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National Security and the Universities
La sécurité nationale et les universités

A Report on Changes in University Government in Canada

Academic Freedom and Tenure in the Young University

Changes in the Structure and Financing of C.A.U.T.
Modifications à la structure et au mode de financement de l'A.C.P.U.

Association News — Communications

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A PUBLICATION OF THE CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS
PUBLIÉ PAR L'ASSOCIATION CANADIENNE DES PROFESSEURS D'UNIVERSITÉ

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ASSOCIATION CANADIENNE DES PROFESSEURS D'UNIVERSITÉ

c.a.u.t. bulletin

bulletin de l'a.c.p.u.

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Publié par l'Association canadienne des professeurs d'université

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EDITORIAL

THE GERMINATION OF AN IDEA

The recent announcement by the Ford Foundation of a grant of $150,000 to support a proposed study of the relations between universities and governments in Canada co-sponsored by the A.U.C.C., C.A.U.T., C.U.S., and l'U.G.E.Q. is a most welcome one. The origins of this study go back some time and merit at least this brief account.

More than three years ago, at a function marking the installation of a university president, a provincial premier used the occasion to deliver some remarks about how he viewed the responsibilities of universities towards society and the responsibilities of government towards universities in a period of rapidly increasing public support for higher education. These remarks sparked a train of thought in the mind of at least one member of the audience, the Executive Secretary of C.A.U.T., who was led to reflect on the need to develop responsible dialogue among representatives of governments, the universities, and the general public concerning the new situation into which our universities were moving.

The matter became a subject of considerable discussion within the Executive and Finance Committee of C.A.U.T., and several proposals emerged. One was to establish a committee of the Association staffed by senior members of the Canadian university community to study and make recommendations on the complex issues involved. Predictably, if somewhat non-euphoniously, this suggestion to establish a committee to study the relations between universities and governments became known as 'the CRUG proposal'. However, owing to pressure of other business, particularly that connected with the Duff-Berdahl study, this proposal languished on the shelf.

Another proposal was one to undertake to stimulate discussion of the issues involved in the new relationships being established between

universities and governments. Towards this end, articles were prepared for the BULLETIN *and elsewhere, and contacts were sought with political leaders throughout Canada. Apparently the time was not right, for little public notice was taken.*

In the fall of 1966, however, the climate changed abruptly. When the federal government rocked the Canadian university community by its decision to 'opt-out' of direct financing of the operating costs of universities and turn this over to the provinces, a sense of urgency which had not previously existed (at least, not in many minds) began to be felt. The earlier small cloud had become much larger than a man's hand or a mortarboard.

Against this radically changed background, a chance remark about "doing a Duff-Berdahl on CRUG" led very quickly to a decision by the Executive and Finance Committee to explore in detail prospects for sponsoring a high level commission study of the relations between universities and governments in Canada.

Throughout the winter and spring of 1967, the necessary preliminary work was undertaken by the Executive and Finance Committee and the secretariat of C.A.U.T. Other university agencies were invited to become co-sponsors; the provincial governments were approached to secure their support; overtures were made to a number of foundations; a steering committee was formed; the proposed terms of reference were finalized and a budget prepared. Those familiar with the complex nature of such preparations can readily appreciate all that was involved here.

Finally, in late October of this year, with the announcement of the grant from the Ford Foundation, the lengthy first stage of the project was completed. Now the steering committee is engaged in the task of selecting commissioners to undertake the study. Hopefully, the committee will be able shortly to announce the appointment of the commissioners and a schedule for their activities. When this has been done, the study itself, so long in preparation, can begin. The sooner this happens, the better; for events this fall have lent even greater urgency to the project.

NATIONAL SECURITY AND THE UNIVERSITIES

A Brief submitted by the Canadian Association of University Teachers to the Royal Commission on Security

Prepared by the Executive and Finance Committee of the Association

September 25, 1967

LA SÉCURITÉ NATIONALE ET LES UNIVERSITÉS

mémoire de l'Association canadienne des professeurs d'université à la Commission royale d'enquête sur la sécurité

mémoire rédigé par le bureau de direction de l'Association

d'Ottawa, ce vingt-cinq septembre mille neuf cent soixante-sept

The Canadian Association of University Teachers is a professional organization of faculty members of Canadian universities. In structure it is a federation of affiliated faculty associations which are located on the campuses of forty universities and five other institutions of higher education. Its membership comprises some nine thousand full-time faculty members. Its objects, as stated in the constitution of the Association, are "to promote the interests of teachers and researchers in Canadian universities and colleges and to advance the standards of the profession". Since its beginnings in the early 1950's, the Association has consistently interpreted its stated objects liberally, and has concerned itself with a wide range of matters related to higher education: university financing, the protection of academic freedom, university government, and the status of women in Canadian universities, for example. Only recently it has taken the initiative in preparing the ground for the establishment of a commission to study the relations between universities and governments. The Association is conscious also of its role in the international university community: it is a member association of the Canadian National Commission for UNESCO and of the International Association of University Professors and Lecturers.

L'Association canadienne des professeurs d'université est l'organisme professionnel des professeurs des universités du Canada. Constituées en fédération, les associations des professeurs de quarante universités et de cinq autres institutions d'enseignement supérieur composent cet organisme. Il groupe quelque neuf mille professeurs à temps complet. Un article des statuts détermine les buts de cette Association : elle « se propose l'avancement des droits des professeurs et des chercheurs des universités et des collèges du Canada et l'amélioration du degré d'excellence de la profession ». Depuis sa fondation au tout début des années cinquante, l'Association interprète ses objectifs au sens large. Ses travaux portent sur de multiples questions reliées à l'enseignement supérieur. Citons quelques exemples : le financement de l'enseignement supérieur, la sauvegarde de la liberté universitaire, l'administration de l'université, le statut du professeur féminin dans les universités du Canada. Tout récemment, l'Association prend l'initiative de poser les premiers jalons en vue d'établir une commission d'étude des relations entre les universités et les gouvernements. Consciente de son rôle au sein de la communauté universitaire mondiale, l'Association devient membre de la Commission canadienne pour l'Unesco et de l'Association internationale des professeurs et maîtres de conférences des universités.

UNDERLYING PRINCIPLES

The fundamental significance of freedom of investigation and expression for universities has been publicly acknowledged and supported by our political leaders many times. Nevertheless it is appropriate to state briefly at this point the special interest of the university community, and of the C.A.U.T. as in the past the chief spokesman of that community on such questions, in matters of security. The general principle involved was admirably stated by the Leader of the Opposition when he commented on the Prime Minister's announcement on policies and procedures on 25 October 1963. After a special reference to the universities, he said :

> You come to a point when, if you challenge my right to think as I will, you destroy democracy. Freedom is never the right to do wrong : Freedom is the right to be wrong. In other words, no matter whether I am a minority of one within the state, so long as I keep within the law and do not endeavour to undermine the state by overt acts, I have the right to advocate that thinking.

PRINCIPES FONDAMENTAUX

En plusieurs occasions nos chefs politiques reconnaissent publiquement et confirment l'importance essentielle de la liberté de recherche et d'expression au sein de l'université. Il convient toutefois d'exposer brièvement, en matière de sécurité l'intérêt très spécial de la communauté universitaire et de l'A.C.P.U., qui comme dans le passé s'impose comme le principal porte-parole de cette communauté. Le chef de l'opposition dans un commentaire à la suite de la déclaration du Premier ministre sur les politiques et les procédures du régime de sécurité, le vingt-cinq octobre mille neuf cent soixante-trois, énonce admirablement bien le principe général en cause. Après une allusion particulière aux universités, il déclare :

> « Vient un moment où, lorsque l'on conteste à quelqu'un le droit de penser comme il l'entend, on détruit la démocratie. La liberté ce n'est jamais le droit de faire ce qui est mal, mais c'est le droit d'être dans l'erreur. Autrement dit, peu importe si je suis seul dans l'État à avoir mes opinions; tant que je me conforme à la loi et que je n'entreprends pas de saper l'État par des actes manifestes, j'ai le droit de les garder. » [1]

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[1] hansard, vingt-cinq octobre mille neuf cent soixante-trois

On that occasion the Minister of Justice referred to the particular importance to universities of the principles touched upon, affirming that the government whole-heartedly agreed with the view of the universities that "our security measures should in no way interfere with the freedom of thought and discussion which is essential to the very purpose of any institution of learning".

In brief, this Association holds that it is one of a university's essential functions to examine and re-examine, appraise and reappraise, with the greatest freedom, ideas of every kind. It holds that this process must be participated in freely, candidly and fearlessly, by faculty and students alike. It maintains therefore that not only should no individual in a university be persecuted for the ideas that he subscribes to or discusses, but that any attempt, whether covert or otherwise, at official surveillance of ideas or of people who hold particular ideas can only damage, and may very seriously damage, the university's performance of its role in a free society. It does so by sowing mistrust, and sometimes fear, in the minds of both professors and students, so that candid discussion is impossible.

À cette occasion, le Ministre de la Justice souligne l'importance toute spéciale des principes en cause pour les universités. Le gouvernement, dit-il, partage de tout cœur les vues des universités. Voici un extrait de sa déclaration :

> « Il s'agit surtout que nos mesures de sécurité n'empiètent d'aucune façon sur la liberté de pensée et de débat qui est essentielle à toute institution d'étude supérieure. » [1]

En résumé, cette Association soutient que l'une des fonctions essentielles de l'université consiste à examiner et à examiner de nouveau les idées de tout genre, à les évaluer et à les réévaluer dans la plus grande liberté. L'Association maintient que ce processus doit s'accomplir en toute liberté, de bonne foi et sans crainte par les professeurs et les étudiants. Aucun individu ne doit être harcelé pour les idées qu'il discute ou qu'il partage. Aussi ne doit-on exercer aucune tentative, soit-elle indirecte ou autre, de contrôle officiel des idées ou de surveillance des personnes qui adhèrent à des idées particulières. Toute action en ce sens nuirait ou porterait sérieusement atteinte à la réalisation par l'université de son rôle dans une société libre. Que

[1] hansard, vingt-cinq octobre mille neuf cent soixante-trois

The Association does not suggest that there are no matters in which the national security is of prime concern; not does it suggest that universities should be immune to such legitimate measures as the police are ordinarily required to take when the investigation or prosecution of a crime is in question. It stresses, however, that the holding or discussion of particular political or religious views is not a crime in Canada, and should in no respect be treated as if it were. It claims that the sifting and testing of ideas can much better be carried out by competent scholars than by police officers. It decidedly disputes the claim of a recent Commissioner of the R.C.M.P. that only persons such as members of security services "can distinguish between the radical or dissenter and the conspirator," not only as to its accuracy but even more because of its implication that the special skill thus claimed justifies security officers in spying on universities, where ideas of radicalism and dissent (along with those of convention and conformity) are and must be under constant debate.

The Association draws attention to the fact that even a necessary investigation, if it is unskilfully carried out, may not only result in

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l'on sème la méfiance, quelquefois la crainte, dans l'esprit des professeurs et des étudiants, la discussion franche des idées devient impossible.

L'Association reconnaît en certains domaines l'importance primordiale de la sécurité du pays. Les universités ne sont pas à l'abri de mesures légitimes des services de police lors d'enquêtes et d'accusations par suite d'un crime. L'Association insiste toutefois sur ce point : partager certaines vues politiques ou religieuses, les discuter ne constituent pas un crime au Canada. D'aucune façon les mesures prises ne doivent inciter à croire qu'il s'agit d'un crime. Les universitaires compétents, mieux que les agents de police, peuvent procéder à l'examen minutieux et à la mise à l'épreuve des idées. L'Association conteste résolument la prétention d'un récent commissaire de la Gendarmerie royale du Canada qui dit : les personnes membres d'un service de sécurité peuvent distinguer entre le radical ou le dissident et le conspirateur non seulement par leur exactitude mais davantage par leur talent spécial. Mais cette opinion justifie la présence d'agents de la sécurité pour espionner aux universités où les idées radicales et dissidentes, de même les idées conventionnelles et conformistes sont et doivent être constamment remises en cause.

harm to innocent persons, but may in addition tend to create a most unhealthy climate of fear in a university. In the academic community, in which special responsibilities are matched by special susceptibilities, these effects can be particularly insidious and long-lasting. It is therefore especially important that the procedures used in such investigations should be carefully prepared and understood, and that the investigators themselves should be highly competent.

Finally, the Association claims that it is the fundamental right of a person whose character is in question to know that this is so, and of a person on whose reliability doubts have been cast to be told the nature of those doubts and given a fair opportunity to clear them away. It holds that knowledge of the procedures to be followed in such situations ought to be available to everyone.

PAST C.A.U.T. REPRESENTATIONS ON SECURITY MATTERS

The Association has actively asserted its interest in questions of security on many occasions, over a lengthy period. It has been espe-

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L'Association attire également l'attention sur le point suivant : une enquête même nécessaire, mais menée de façon maladroite peut atteindre non seulement des personnes innocentes mais contribuer de plus à créer un climat malsain au sein de l'université. Au sein de la communauté universitaire, les responsabilités spéciales vont de pair avec des susceptibilités particulières. Les effets d'une enquête peuvent s'avérer insidieux et durables. Il est alors très important lors de telles enquêtes de préparer et de comprendre la procédure, de choisir des enquêteurs hautement compétents.

En dernier lieu, l'Association reconnaît le droit fondamental de la personne, dont le caractère est mis en question, d'être informée. De même la personne sur qui pèsent des doutes sur son intégrité doit connaître la nature de ces doutes et avoir l'occasion de les dissiper. La procédure suivie en de telles circonstances doit être communiquée à tous.

REPRÉSENTATIONS DE L'A.C.P.U. EN MATIÈRE DE SÉCURITÉ

En plusieurs occasions au cours d'une période assez longue, l'Association fait valoir efficacement son intérêt en matière de sécurité. Elle

cially concerned with three aspects of the matter : questions of security clearance and review procedures for scholars whose work involves them in dealing with classified material; questions related to immigration matters; questions related to general police surveillance on university campuses.

In June 1963, as a result of reports of activities by the R.C.M.P. on university campuses and of widespread public discussion as well as debate within the universities, the Council of the Association (which is the governing body) passed a resolution calling for "a full review of R.C.M.P. security and intelligence investigation procedures". The resolution also contained the following clause:

the C.A.U.T. (a) advises its members that they are not compelled to reply to questions of the R.C.M.P. respecting the political or religious beliefs, activities, and associations of colleagues and students;

(b) urges its members not to reply orally to such questions;

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se préoccupe particulièrement de trois aspects : méthodes sélectives de sécurité et procédure de vérification des dossiers de professeurs dont les travaux exigent la consultation de documents secrets et confidentiels; questions relatives à l'immigration; surveillance générale du territoire des universités.

En juin mille neuf cent soixante-trois par suite de rapports sur les activités de la Gendarmerie royale du Canada sur le territoire des universités, par suite de discussions nombreuses dans le public et à l'université, le c o n s e i l de l'Association, qui est le corps administratif, adopte une résolution : « a full review of R.C.M.P. security and intelligence investigation procedures ». La résolution comporte aussi les articles suivants :

the C.A.U.T. (a) advises its members that they are not compelled to reply to questions of the R.C.M.P. respecting the political or religious beliefs, activities and associations of colleagues and students;
(b) urges its members not to reply orally to such questions;
(c) urges further that, if any member considers that a reply should be made, it should be

and (c) urges further that, if any member considers that a reply should be made, it should be given in writing, signed by the member, and dated.

Copies of the resolution were sent to the Minister of Justice, the Prime Minister, and the leaders of the opposition parties, and the resolution was released to the press.

In July 1963, and again in November, officers of the C.A.U.T. met with the Prime Minister and other representatives of the government, and on the second occasion the Commissioner of the R.C.M.P. was also present. The meetings were cordial, and it appeared to be felt by all concerned that they were of great value. Nevertheless, in June 1964, after further debate in the light of the Prime Minister's announcement concerning new regulations (*Hansard*, 25 October 1963) and of the beginning of a discussion of them in the House (*Hansard*, 3 June 1964), the Council reaffirmed its previous resolution and indeed enlarged upon it.

Detailed accounts of these developments, including the meetings, were published in the *Bulletin* of the Association in April 1964, October

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given in writing, signed by the member, and dated.

Le texte de cette résolution parvient au Ministre de la Justice, au Premier ministre et aux chefs des partis de l'opposition. La presse reçoit également le texte de la résolution.

En juillet et en novembre mille neuf cent soixante-trois, les membres du bureau de l'A.C.P.U. rencontrent le Premier ministre et d'autres représentants du gouvernement. Le commissaire de la Gendarmerie royale du Canada assiste à la deuxième rencontre, soit celle de novembre. Réunions cordiales, ces rencontres apparaissent pour l'un et l'autre de grande valeur. Néanmoins en juin mille neuf cent soixante-quatre, après des discussions à la lumière de la déclaration du Premier ministre sur les nouveaux règlements [2] et le début du débat en Chambre de ces nouvelles mesures [3] le c o n s e i l réaffirme sa position adoptée lors du vote de la résolution et même élabore davantage.

Le *Bulletin* de l'Association d'avril et d'octobre mille neuf cent soixante-quatre, de janvier mille neuf cent soixante-cinq contiennent les rapports détaillés de ces événements, y compris les réunions. Le

[2] hansard, vingt-cinq octobre, mille neuf cent soixante-trois
[3] hansard, trois juin mille neuf cent soixante-quatre

1964, and January 1965. The first two of these accounts were prepared by the former Executive Secretary of the Association, the late Professor Stewart Reid, and the Vice-President, subsequently President, Professor (now Mr. Justice) Bora Laskin; the third was prepared by another former President of the Association, Dean A.W.R. Carrothers, of the University of Western Ontario. Copies of the *Bulletins* containing the accounts are attached to this brief, for the use of the Commission.

SECURITY CLEARANCES AND REVIEW PROCEDURES

The reasons for the interest of the C.A.U.T. in security clearances and related matters are obvious. Many university faculty members who are scientists do research that involves the use of classified materials; to the extent to which they may be the case, their professional careers are inevitably affected. Other faculty members become involved in governmental work of various kinds — in economics, law, or other fields — for which security clearances are required. Again, faculty members in any field may be asked for reports on students seeking government employment in which security matters arise. The Association is therefore strongly of the opinion that the procedures applied

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précédent secrétaire général, feu le professeur Stewart Reid et le vice-président à l'époque, devenu président par la suite, monsieur Bora Laskin, maintenant juge, rédigent le texte des deux premiers comptes rendus. Un autre ancien président de l'Association, monsieur A. W. R. Carrothers, doyen à l'*University of Western Ontario* se charge de la rédaction du troisième exposé. À l'usage des membres de la Commission, nous joignons à notre mémoire des exemplaires de ces trois livraisons du Bulletin.

MÉTHODES SÉLECTIVES DE SÉCURITÉ ET PROCÉDURES DE VÉRIFICATION DES DOSSIERS

Les raisons de l'intérêt de l'A.C.P.U. en matière de sélection sous le rapport de la sécurité et en d'autres questions connexes apparaissent évidentes. Plusieurs professeurs d'université, comme universitaires, effectuent des recherches qui impliquent l'utilisation de documents secrets et confidentiels; jusqu'à quel point c'est le cas, se trouve inévitablement affectée leur carrière professionnelle. D'autres professeurs deviennent engagés dans des travaux de différents types pour le compte du gouvernement, en économique, en droit ou en d'autres disciplines; quelques-uns de ces travaux exigent préalablement une sélection sous

and the principles on which they are based should be not only effective but fair, and clearly understood by all concerned.

Faculty members who are engaged in activities such as those just referred to are in a position similar to that of civil servants whose work requires them to have security clearances. This Association therefore watched with special interest events of recent years relating to the treatment of such civil servants, hoping and indeed expecting that the similarity would be recognized. As the following account shows, the hopes were groundless.

The Prime Minister's announcement of 25 October 1963 dealt with "changes that have been introduced in policy and procedures relating to the security of the operations of government and of the defence services". In his statement following the Prime Minister's announcement, the Minister of Justice referred with wholehearted approval to the concern of the universities with matters of security, and to the discussions that he and the Prime Minister had had with officials of the Canadian Association of University Teachers. No detailed account of the policies and procedures about to be adopted

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le rapport de la sécurité. Et encore, des professeurs de toutes disciplines rédigent des rapports sur des étudiants candidats à des postes au gouvernement pour lesquels des garanties de sécurité sont exigées. L'Association soutient que les procédures suivies et les principes sur lesquels elles se fondent doivent être non seulement efficaces mais aussi équitables et clairement compris de ceux concernés.

Les professeurs engagés dans des travaux, comme ceux mentionnés, occupent une position semblable à celle du fonctionnaire dont le travail requiert une attestation de sécurité. L'Association surveille par conséquent avec un intérêt particulier les événements des récentes années quant au traitement fait aux fonctionnaires. Elle le souhaite, et en effet s'attend à ce que les professeurs jouissent d'un traitement semblable. Comme l'indique l'exposé qui suit, les espoirs sont sans fondement.

La déclaration susmentionnée du Premier ministre le vingt-cinq octobre mille neuf cent soixante-trois traite de « certaines modifications apportées à la ligne de conduite et aux méthodes qui permettent au gouvernement et aux forces armées de s'acquitter de leurs fonctions en

was presented, but a general description of them was provided. The Prime Minister said that the new procedures would call for a person whose security or reliability was in doubt to be informed, and given an opportunity to resolve the doubt; and that if on stating his side of the case he was unable to clear himself in the judgment of his employing agency, his case would then be referred to a board of review drawn from the security panel, the latter being a body composed of senior civil servants, mostly of deputy minister rank.

In the summer of 1964 a debate took place in the House as a result of a motion calling for the new directives to be placed before the members. In the end the motion was defeated, it having been argued by the Minister of Justice (Hon. Guy Favreau) that "to open these detailed procedures to public debate would seriously reduce the effectiveness of these procedures and would lead inevitably to the injury of individuals who have committed no offence under the law," that in short "it would not be in the public interest to publish the current directive on security in the public service" (*Hansard,* 2 July 1964). During the debate the Parliamentary Secretary to the Minister

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toute sécurité [4] ». Dans un communiqué à la suite de la déclaration du Premier ministre, le Ministre de la Justice rapporte avec une sincère satisfaction le souci des universités en matière de sécurité. Il rappelle la discussion que lui et le Premier ministre ont eue avec les membres du bureau de l'Association canadienne des professeurs d'université. Il ne présente aucun rapport détaillé des politiques et des procédures qui seraient adoptées. Seulement fournit-il une description générale. Le Premier ministre indique que ces nouvelles procédures donneraient à une personne dont les garanties de sécurité ou d'intégrité sont mises en doute le droit d'en être informée et l'occasion de dissiper les soupçons. Advenant que cette personne est incapable selon l'avis de ses employeurs d'élucider ces doutes, son cas serait renvoyé à un comité de revision constitué de membres du jury de sélection de sécurité composé de fonctionnaires supérieurs, en majorité au niveau de sous-ministre.

À l'été mille neuf cent soixante-quatre, un débat prend place en Chambre par suite d'une résolution sur les directives à soumettre aux députés. À la fin, la résolution mise aux voix est défaite sous l'argu-

[4] hansard, vingt-cinq octobre mille neuf cent soixante-trois

of Justice set out in point form the security procedures which had been followed since the Prime Minister's announcement, as follows :

> First, where an employee is in the situation that his reliability has been put in doubt, he has the right to be told that his reliability is subject to doubt and he has the right to learn, so far as it is possible from the security standpoint, the reasons for such doubt. Second, he will have the opportunity to give his side of the particular case, to frame his own case, in respect of the allegations which are made against him. Third, he will be entitled to a second hearing by the head of the agency which is responsible for his work, and if the decision remains unfavourable, the case will be submitted to a board of review made up of senior civil servants who have not been previously directly involved in the particular case.

He added that the person whose reliability was in doubt would have the right to appear before the board of review and have the benefit of counsel. (*Hansard,* 9 July 1964)

In the continuation of the same debate on September 17, the Parliamentary Secretary to the Minister of Justice attempted to correct this last statement and said :

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ment du Ministre de la Justice. l'honorable Guy Favreau. Il s'exprime en ces termes :

> « nous sommes persuadés que la divulgation plus poussée de ces procédés diminuerait grandement leur efficacité et ferait inévitablement du tort à des particuliers qui n'ont commis aucune infraction à la loi . . . il ne serait pas dans l'intérêt général de publier les directives ordinaires que l'on donne aux fonctionnaires quant à la sécurité ». [5]

Au cours du débat le secrétaire parlementaire du Ministre de la Justice expose en trois points les procédures de sécurité suivies depuis la déclaration du Premier ministre :

> « Tout d'abord, lorsque sa loyauté est mise en doute, un employé a le droit d'être mis au courant de la chose et d'en connaître si possible les raisons sous l'angle de la sécurité. Deuxièmement, il aura l'occasion de faire connaître sa version de l'affaire, d'exposer lui-même son cas, quant aux allégations portées contre lui. Troisièmement, il aura droit à un deuxième témoignage devant le directeur de la division, responsable de son travail; si la décision demeure défavorable, l'affaire sera soumise à un conseil de révision composé de fonction-

[5] hansard, deux juillet mille neuf cent soixante-quatre

> it has come to my attention that it is the British practice which is to be followed here, and there will be no right to appear personally or with counsel. The function of the review board is merely to review the file that already exists.

However, the Secretary's correction contained an error, since the British procedures — which are readily available, and a copy of which is attached to this submission — requires the "Three Advisers" (who constitute the equivalent of the board of review) to hear in person the individual whose reliability is in question, if he so wishes and to hear testimony as to his record, reliability and character from third parties, if he so wishes; and give the individual the right to appear before the Minister concerned or his representative, before action is finally taken.

In a letter dated 7 January 1965 the President of C.A.U.T., then Professor Bora Laskin, reaffirmed the position of the Association as regards security matters. In the same letter he pointed out the error contained in the statement by the Parliamentary Secretary. He also urged on the Prime Minister the desirability of extending to university faculty members the rights accorded to civil servants under the new

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> naires supérieurs qui n'ont pas encore été directement mêlés à ce cas ». [6]

Il ajoute que la personne dont l'intégrité est mise en question aurait le droit de comparaître devant le conseil de révision, qu'elle bénéficierait des conseils d'un avocat.

Continuant le même débat le dix-sept septembre, le secrétaire parlementaire du Ministre de la Justice tente de corriger sa dernière déclaration. Il dit :

> « On m'a signalé qu'on suivait la coutume britannique dans le cas en question et que la personne en cause n'aurait pas le droit de comparaître personnellement ni de retenir les services d'un avocat. La fonction du conseil de révision consiste simplement à examiner le dossier déjà préparé. » [7]

Pourtant la correction apportée par le secrétaire parlementaire contient une erreur sur les procédures britanniques. Elles sont pourtant facilement disponibles, un exemplaire de ces procédures se trouve en appendice de ce mémoire. Elles stipulent que si la personne dont l'intégrité est mise en doute le demande, « trois conseillers », qui constituent l'équivalent du comité de révision, recueillent son témoi-

[6] hansard, neuf juillet mille neuf cent soixante-quatre
[7] hansard, dix-sept septembre mille neuf cent soixante-quatre

procedures to be told of the accusations against them and to make answer.

The latter urgent request was made as a result of an appeal that had been made to the President of the C.A.U.T. by a member of a university science division who had been peremptorily cut off from access to classified information, which he formerly enjoyed, and was no longer invited to government-sponsored scientific meetings at which classified information was discussed. He had been unable to discover what, if anything, was held against him and why, after enjoying the confidence of fellow scientists in government for many years, he was under an official ban. In so far as his particular case was concerned, the letter of the C.A.U.T. President to the Prime Minister led eventually to the action at the ministerial level which resulted in the restoration of the status of the faculty member. The significant point of the affair, for the Association as a whole, was that it made clear that the new policies and procedures were not intended to apply to university faculty members. So far as we are aware, this continues to hold true. Nor does it appear that the procedures have been revised to bring them into line with British practice, in accordance with the implication of

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gnage. De plus si la personne l'exige, d'autres témoignages de tiers seront présentés aux trois conseillers. L'individu pourra aussi comparaître devant le ministre concerné ou son représentant avant toute décision finale.

Dans une lettre du sept janvier mille neuf cent soixante-cinq, le président de l'A.C.P.U., monsieur Bora Laskin réaffirme la position de l'Association en matière de sécurité. Il souligne l'erreur dans la déclaration du secrétaire parlementaire. Il presse de plus le Premier ministre à concéder aux professeurs d'université les droits accordés aux fonctionnaires sous les nouvelles procédures : droit de connaître les accusations portées contre eux et droit de tenter de les dissiper.

La dernière demande urgente donne suite à un appel au président de l'A.C.P.U. d'un professeur d'une faculté de sciences. Ce professeur se voit retiré impérieusement l'accès à des documents secrets et confidentiels. De plus il est exclu subitement de réunions scientifiques organisées conjointement avec le gouvernement si l'on discute d'information secrète et confidentielle. Incapable de trouver les raisons retenues contre lui, pourquoi après avoir joui de la confiance de collègues en sciences au gouvernement de nombreuses années, il est

the Parliamentary Secretary's remark; nor that any steps have been taken to make statements of the procedures available to anyone other than the department heads or other senior officials.

IMMIGRATION MATTERS

The interest of the Association in security clearances extends to certain problems having to do with immigration. On a number of occasions the Association has been asked to take up the cases of scholars who have been appointed to or offered university posts in Canada and have been unable to obtain the necessary immigration clearances to enable them to do so. It has been the policy of the Association on such occasions to check with the university concerned in order to make certain that the appointment or offer was a bona fide one. Where this was established and the Association decided to take up the matter, it has approached the Department of Immigration with a request that the case be reviewed and reconsidered. Usually this request has been acceded to, and on some occasions a previously negative decision has been reversed. On at least one occasion, the President and Executive Secretary sought and were given an interview

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alors proscrit officiellement. Dans ce cas particulier, la lettre du président de l'A.C.P.U. au Premier ministre amène éventuellement une action au niveau ministériel qui résulte dans la réhabilitation du professeur. L'aspect significatif de cette affaire pour l'ensemble de l'Association indique que les politiques et les procédures nouvelles ne touchent pas les professeurs d'université. D'après nos renseignements, cette pratique se perpétue. Il ne semble pas que les procédures soient revisées dans le sens des mesures britanniques contrairement aux remarques du secrétaire parlementaire. Il ne semble guère plus que certaines mesures nouvelles laissent connaître les procédures actuelles à d'autres qu'aux chefs de ministères et aux autres hauts fonctionnaires.

QUESTIONS D'IMMIGRATION

Le souci de l'Association quant aux méthodes sélectives de sécurité se rattache aussi à certaines questions sur l'immigration. En de nombreuses occasions l'Association doit se charger du cas de professeurs qui, engagés ou sollicités à des postes dans les universités au Canada, se voient incapables d'obtenir le droit d'immigration qui rendrait possible l'accès à ces postes. C'est la politique de l'Association

with the Minister, as a result of which a file on a prospective faculty member was reviewed by him and a previously unfavourable decision overruled. In this case, as in some others, both the individual concerned and the C.A.U.T. officials knew on what grounds the initial rejection had been based, and could therefore make representations about it if these seemed appropriate. On the other hand, this has not always been so.

Thus, for example, in one case an economic historian and writer was offered a post at a Canadian university in 1963. At that time he was serving as an economics teacher to U.S. servicemen stationed in the United Kingdom, under the University of Maryland's extension scheme for the U.S. Armed Forces. He had been well recommended by responsible scholars in Great Britain. He was, however, refused entry to Canada, on grounds which were not stated. The Department Head at the university concerned and the C.A.U.T. both made representations to the Department of Immigration, but were unable to obtain any light on the problem. The individual in question had, by his own account, lived in Palestine during World War II, had for a time been a member of a terrorist organization which was disbanded in 1948, and on one

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en de telles occasions de vérifier auprès de l'université l'authenticité de l'engagement ou de l'offre d'emploi. Une fois établie, l'Association prend la question en main, présente au ministère de l'Immigration une demande de revision et de reconsidération du dossier. Habituellement le ministère accepte. Dans quelques cas, le ministère révoque une décision précédente négative. À une occasion au moins le président et le secrétaire général demandent et obtiennent une rencontre avec le ministre. Celui-ci revise le dossier du professeur éventuel et annule la décision antérieure. Dans ce cas ou dans d'autres l'individu et l'A.C.P.U. informés des fondements du rejet initial peuvent ainsi préparer les représentations nécessaires. Mais tel n'est pas toujours le cas.

Ainsi par exemple en mille neuf cent soixante-trois, un historien économiste et écrivain se voit offrir un poste à une université du Canada. À ce moment il enseigne les sciences économiques aux militaires américains cantonnés en Grande-Bretagne. Le service de l'extension de l'*University of Maryland* régit ce programme d'étude pour les forces armées des États-Unis. On refuse à ce professeur l'entrée au Canada pour des raisons que toutefois il ignore. Le direc-

occasion in the same period has applied for but been refused membership in the Communist Party. The refusal had been based on the fact that his views did not sufficiently coincide with those of the party, and in subsequent years the divergence had grown wider.

After very carefully looking into the case, the C.A.U.T. sought and obtained an interview by two of its representatives with the Minister and Deputy Minister, in the course of which they discussed the individual's record and the appropriate applicability of the Immigration Act. The Minister subsequently informed the Association simply that the negative decision on the application must stand. In December 1965, at the request of a second university which wished to offer the individual a post, the Executive Secretary talked with a senior official of the Department, who informed him that a request for a further review of the case would be futile; that neither the applicant nor anyone else could be told the reasons for the refusal; and that the refusal was nevertheless not based on the applicant's Palestine activities, referred to above.

While recognizing that such an individual, applying for immigration to Canada, has no claim to special consideration, the Association

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teur du département de l'université qui lui offre un poste et l'A.C.P.U. font des représentations auprès du ministère de l'Immigration. Ils demeurent néanmoins incapables d'obtenir la moindre lumière sur cette question. Cette personne, de son propre aveu, vécut en Palestine au cours de la deuxième guerre mondiale. Elle joint à un certain moment les rangs d'un organisme terroriste désintégré en mille neuf cent quarante-huit. Elle tente au cours de cette période de se faire admettre, mais sans succès, au sein du Parti communiste. Ses vues qui ne coïncident pas suffisamment avec celles du parti expliquent son exclusion. Depuis ses idées divergent davantage de celles du parti.

Après un examen minutieux du cas, l'A.C.P.U. demande et obtient une entrevue de deux de ses représentants avec le ministre et le sous-ministre. Ils discutent au cours de cette rencontre le dossier de l'individu et l'application de son cas à la loi sur l'immigration. Le ministre communique à l'Association par la suite qu'il maintient la décision négative. En décembre mille neuf cent soixante-cinq, à la requête d'une seconde université, qui désire offrir un poste à ce professeur, le secrétaire général s'entretient avec un haut fonctionnaire du ministère. Il l'informe que serait inutile toute demande subséquente

considers that in fairness to him as a human being and a member of the international university community he ought to be given a clear statement of the reasons for his exclusion from Canada, and an opportunity to state his case in relation to them.

Some of their discussions with officials in connection with immigration matters have led officers of the Association to wonder to what extent the R.C.M.P. or other bodies concerned with security matters may be relying upon reports received from the security officers of other countries, and what regulations may govern the use of such reports. As in other sections of this submission, the reference here is not to the legitimate co-operation of police forces in the prosecution of crime. It is rather a question of the extent to which information is sought from the security forces of other countries on individuals seeking to enter Canada or to settle here, the degree to which such information is clearly relevant to Canadian conditions and regulations, the nature of the checks made on it by Canadian officials, and the procedures used in reaching decisions.

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de revision du dossier. Ni le professeur, ni personne d'autre ne sauraient les raisons du refus d'immigration; ce refus n'est toutefois pas basé sur les activités du professeur en Palestine comme susmentionnées.

Un tel individu qui soumet une demande d'immigration au Canada n'a droit à aucun égard particulier. L'Association croit qu'en toute justice comme être humain et membre de la communauté universitaire internationale, il devrait recevoir un compte rendu clair des raisons de son exclusion du Canada et l'occasion de faire valoir des arguments en sa faveur.

La discussion des membres du bureau de l'A.C.P.U. avec les fonctionnaires du ministère de l'Immigration incitent à s'interroger : dans quelle mesure la Gendarmerie royale du Canada ou les autres services chargés de questions de sécurité peuvent appuyer leurs décisions sur des rapports reçus d'agents de sécurité d'autres pays; quel genre de réglementation peut régir l'utilisation de tels rapports. Nous le soulignons déjà dans une autre partie du rapport, nous ne faisons pas allusion ici à la coopération légitime avec les corps policiers lors d'accusations pour crime. La question consiste à savoir plutôt dans quelle mesure les services de sécurité d'autres pays fournissent l'infor-

GENERAL SURVEILLANCE OF UNIVERSITIES

As is indicated in the second section of this submission, a great deal of attention was given in the years 1961-1964 to the question of general surveillance of university campuses in connection with security matters. This attention resulted from numerous reports of actual happenings at various universities which indicated that covert surveillance was being carried on by means which were not only dubious in themselves, but only too likely to induce unhealthy suspicion and uneasiness among students and faculty members alike. Since the meetings held in 1963, the situation seems to have been greatly improved, and no formal reports of surveillance have reached the national office of the Association. *

Nevertheless, the Association has no evidence of changes in the law or in police procedures since 1965 which will prevent the recurrence

* Although the situation is as stated above, the C.A.U.T. Executive Secretary, on a visit to one campus early in 1967, was told by more than one faculty member that there was a fairly widespread feeling among both faculty and students that the university was being subjected to police scrutiny, which appeared to be directed at one particular department of the university; that students had repeatedly reported being subjected to questioning about political activities in the universities, including the views of professors, when they reported at the Canadian border after visiting the United States. The Executive Secretary was also given a copy of statements concerning the case of an honours student

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mation sur des personnes qui tentent d'entrer au Canada ou de s'y établir; dans quelle mesure ces renseignements correspondent précisément aux conditions et aux réglementations du Canada; les fonctionnaires du Canada effectuent les vérifications de quelle nature; les décisions sur l'immigration se prennent selon quelles procédures.

SURVEILLANCE GÉNÉRALE DES UNIVERSITÉS

Comme déjà mentionnée dans la deuxième partie de ce rapport, au cours de la période de mille neuf cent soixante et un à mille neuf cent soixante-quatre, une attention très spéciale se porte sur la surveillance générale du territoire des universités en matière de sécurité. De nombreux rapports sur des pratiques courantes à diverses universités nous indiquent l'exercice d'une surveillance indirecte au moyen de mesures non seulement douteuses en elles-mêmes mais capables aussi de créer un climat malsain de soupçons et d'inquiétude parmi les étudiants et les professeurs. Depuis les rencontres de mille neuf cent soixante-trois, la situation semble grandement améliorée et le secrétariat de cette Association n'a reçu aucun rapport formel sur la pratique de cette surveillance. *

* En dépit de la situation susmentionnée, le secrétaire général de l'A.C.P.U. lors d'une visite à une université tôt en mille neuf cent soixante-sept apprend par plus d'un professeur, c'est une impression passablement répandue parmi les professeurs et les

of incidents similar to those referred to at that time. The Association expresses strongly its view that the harm which may be done by such surveillance is incalculable, and almost certainly outweighs the possible benefits that security officials may gain because of information derived by such means. It therefore urges that a clear directive against such surveillance should be given, and should be made known to the universities themselves.

In addition, the Association is gravely concerned about the growing use of electronic devices and similar techniques as a means of listening in on spoken communications. Such devices pose a threat to the freedom of every private citizen, particularly since the records that they provide can all too readily be distorted or faked. Any introduction of such devices in the classrooms or offices of a university would be a shocking violation of the freedom essential to such an institution.

who claimed to have been subjected to questioning by four unidentified men who claimed to be concerned with security matters. In addition, the Executive Secretary was recently told that a member of the secretarial staff of another university had revealed some time ago that she had been employed by the R.C.M.P. to make reports to them based on information coming before her in the course of her work. No investigation of these incidents has been requested or carried out by the Association. They are recorded here only to indicate why the Association continues to feel grave concern over the question of surveillance and the possibility — in the absence of assurances to the contrary — that it may be renewed at any time.

L'Association ne détient toutefois aucune évidence de la modification de la loi ou des procédures appliquées par la police depuis mille neuf cent soixante-cinq, changements qui préviendraient la répétition d'incidents similaires à ceux jusqu'à maintenant mentionnés. L'Association formule énergiquement sa position : le tort causé par cette surveillance s'avère inestimable et l'emporte presque certainement sur les gains encourus dans l'obtention de renseignements par de tels moyens. Il devient urgent de donner des directives spéciales pour que cesse cette surveillance des universités. Les universités devront en être informées.

L'Association s'inquiète de plus de l'utilisation d'appareils électroniques ou d'autres techniques semblables comme tables d'écoute des

étudiants, qu'une vérification minutieuse par la police s'exerce à un département particulier de l'université. Les étudiants rapportent maintes fois qu'ils subissent des interrogatoires sur les activités politiques au sein de l'université, sur les vues des professeurs. Ces interrogatoires se déroulent à la frontière du Canada lorsque ces étudiants reviennent d'une visite aux Etats-Unis. Le secrétaire général reçoit également une copie du compte rendu d'un étudiant du premier cycle qui déclare que l'ont questionné quatre hommes non identifiés qui se disent chargés de questions de sécurité. Le secrétaire général apprend de plus qu'une femme, membre du personnel du secrétariat d'une autre université révèle il y a quelque temps avoir agi à titre d'informatrice de la Gendarmerie royale du Canada. Elle se chargeait alors de dresser des rapports sur l'information recueillie au cours de son travail. Personne n'a réclamé une enquête de ces incidents. L'Association n'a donc établi aucune enquête. Nous mentionnons seulement ces faits comme une indication de l'intérêt sérieux de l'Association en matière de surveillance des universités. En l'absence de la preuve du contraire, l'Association croit possible la répétition de ces incidents.

RECOMMENDATIONS

In the light of its experience and concern as stated above, the Canadian Association of University Teachers makes the following recommendations. In doing so, it stresses again that it in no way suggests that universities have any claim to special privileges when the investigation or prosecution of crime is in question. It is not commenting here on the important question of civil rights in connection with the enforcement of the criminal law. It makes the recommendations specifically in respect to security matters. It particularly stresses its view that universities ought in no way to be made targets for suspicion or surveillance in connection with such matters.

A. On Security Clearances and Review Procedures

(i) that when an officer comes to a university to make inquiries he must notify the office of the university president of his presence and of the nature of his mission.

(ii) that persons from whom references are sought should be asked only to provide written and signed answers to specific

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communications. L'emploi de ces dispositifs va à l'encontre de la liberté de chaque citoyen parce que l'enregistrement peut trop facilement être déformé ou falsifié. Toute installation de ces dispositifs dans les salles de cours ou les bureaux des universités constitue une violation flagrante de la liberté essentielle de l'université.

RECOMMANDATIONS

A. Méthodes sélectives de sécurité et procédures de revision des dossiers :

nous recommandons :

i) que lorsqu'un agent se présente à une université pour procéder à une enquête, il avertisse le bureau du recteur de sa présence et de la nature de sa mission;

ii) que les personnes qui fournissent les renseignements écrivent et signent leur déclaration sur des questions précises ou inscrivent et signent leurs opinions au sujet de la ou les personnes en cause;

iii) que l'on établisse des procédures similaires à celles pour les fonctionnaires décrites ci-

questions, or written and signed opinions about the person or persons concerned.

(iii) that procedures similar to those described below should be adopted for civil servants and should be extended to apply to university personnel affected by matters of security clearance:

(a) that an individual, whether a civil servant or a person applying for a position in the civil service, whose reliability in security matters is in doubt should be told of the doubt (subject to security considerations) and of the reasons for it;

(b) that he should have the right, before a decision is made, to give his side of the case to the head of the agency responsible for his work, and to have the benefit of counsel in doing so;

(c) that he should have the right, if the decision so arrived at is unfavorable, to appeal to an independent quasi-judicial tribunal, which should be given full access to the information and documentation on which the doubt is

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dessous et que les enquêtes de sécurité sur le personnel des universités suivent ces mêmes procédures :

a) que toute personne, fonctionnaire ou candidat à un poste dans la fonction publique sur qui pèse des doutes sur son intégrité soit informée de ces soupçons et des raisons qui les justifient;

b) que cette personne ait le droit avant toute décision de retenir les services d'un avocat et de présenter sa version au chef de l'organisme responsable de son travail;

c) que si la décision ne favorise pas cette personne, elle ait le droit d'en appeler à un tribunal indépendant, quasi judiciaire qui aurait entièrement accès à

based and have authority to hear new evidence; and that the individual should have the benefit of counsel in such an appeal;

(d) that in such an appeal the tribunal should be required to make its decision without unreasonable delay.

B. On Police Surveillance for Reasons Other than Enforcement of the Criminal Law

(i) that there should be no general, continuous, permanently authorized activity;

(ii) that investigation should be carried out only on authorization from the appropriate responsible senior officers of the R.C.M.P. and only into specific charges, and that no investigations should be launched on the initiative of local officers on the basis of verbal information or press items.

(iii) that under no circumstances should the R.C.M.P. be allowed to place undisclosed agents or informers in university classrooms, societies, offices, or clubs, or to recruit such persons;

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tout renseignement, à tout document qui fondent ces doutes, qui aurait le pouvoir de recueillir de nouvelles preuves; que lors d'un appel, le tribunal rende sa décision dans un délai raisonnable.

B. Surveillance par la police pour d'autres motifs que la mise en vigueur des lois criminelles :

nous recommandons : i) qu'il n'existe aucune surveillance permanente autorisée, soit-elle générale ou continuelle;

ii) qu'un agent supérieur de la Gendarmerie royale du Canada donne l'autorisation avant toute enquête même en vue de mises en accusation; qu'aucun agent local ne prenne l'initiative d'une enquête par suite d'une information verbale ou d'une mention dans la presse;

iii) qu'en aucune circonstance la Gendarmerie royale du Canada s'autorise à poster des

and that no use of electronic or other mechanical listening devices be permitted.

(iv) that under no circumstances should the R.C.M.P. investigators be allowed to communicate suspicions or conclusions to anyone other than the Ottawa Headquarters:

(v) that machinery should be established and publicly announced whereby a university or any member of its staff or student body who finds reason to believe that police surveillance is being performed on a university campus may appeal to a government authority named and known as responsible for dealing with such appeals.

C. On Immigration Procedures

Note: The Association, having in mind that the Immigration Act has recently been revised and that the regulations for administering the revised Act have not yet been made known, feels that it would be inappropriate to make recommendations at this time. It earnestly hopes that the new regulations will in fact reflect the

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agents anonymes ou des informateurs dans les salles de cours de l'université, les organismes, les bureaux ou les clubs, à recruter même de telles personnes ou encore à utiliser des appareils électroniques ou mécaniques comme tables d'écoute;

iv) qu'en aucune circonstance les enquêteurs de la Gendarmerie royale du Canada n'aient le droit de divulguer à quiconque leurs soupçons ou leurs conclusions sauf aux autorités de leur siège social à Ottawa;

v) que l'on mette sur pied des mécanismes, qu'on les rendent publics de telle sorte, l'université, l'individu de son personnel ou l'étudiant qui soupçonnent la police de surveiller le territoire de l'université en appellent à l'autorité désignée et compétente du gouvernement pour traiter de ces questions.

principles expressed in the earlier part of this submission and reflected in the recommendations made above.

D. General

(i) that all officers whose work involves them with university people, whether they are officers of the police, of the immigration service or any other body concerned with security, should be of a high degree of competence and should have had some direct experience of university life, preferably as students.

(ii) that if information has been obtained from security officers of other countries, it should, before being given any effect in a case under consideration, be carefully considered for its relevance to Canadian conditions and regulations, and checked separately and independently by Canadian officials.

(iii) that agencies of the government desiring information about applicants for positions, or other similar information, which does not involve security questions, should not be permitted

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C. Procédures d'immigration :

Note : l'Association tient compte de la revision récente de la loi sur l'immigration et avant de connaître les règlements pour mettre en vigueur le texte modifié de la loi, elle croit le moment mal choisi pour formuler des recommandations. Souhaite-t-elle sincèrement que cette nouvelle réglementation reflétera les principes soulignés dans une partie précédente du mémoire et les recommandations susmentionnées.

D. Recommandations générales :

nous recommandons : i) que tous les fonctionnaires dont le travail les met en contact avec des universitaires, les agents de police, les agents des services d'immigration ou ceux d'autres organismes chargés de la sécurité, possèdent un haut niveau de compétence et une certaine connaissance immédiate de la vie de l'université comme étudiant de préférence;

to use the services of the police for obtaining it, because of the false impression that is likely to result for both the police and the persons interviewed.

Howard D. McCurdy,
President.

J. Percy Smith,
Executive Secretary.

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ii) que si des agents de la sécurité d'autres pays fournissent l'information, avant de l'utiliser dans un cas soumis à l'examen, les fonctionnaires du Canada l'examinent soigneusement sous l'angle de son application aux conditions et aux réglementations du Canada et la vérifient séparément et indépendamment;

iii) que les services du gouvernement à la recherche de renseignements sur les candidats aux divers postes ou en quête d'autres renseignements semblables, qui n'impliquent pas les garanties de sécurité, n'obtiennent l'autorisation d'utiliser les services de la police pour les recueillir parce qu'ils créeraient probablement une fausse impression chez le policier et les personnes interrogées.

Howard D. McCurdy, président
J. Percy Smith, secrétaire général

(BRITISH GOVERNMENT)

Statement of Procedure to be Followed When the Reliability of a Civil Servant Is Thought to be in Doubt on Security Grounds

1. The Minister* will have before him information on which to decide whether the reliability of the civil servant is prima facie to be regarded as in doubt on security grounds. A civil servant will be so regarded if:

(a) he is, or is to be, employed in connection with work the nature of which is vital to the security of State; and simultaneously;

(b) he is or has recently been a member of the British Communist ** Party, or in such a way as to raise reasonable doubts about his reliability, is or has recently been sympathetic to Communism, associated with Communists or Communist sympathisers, or is susceptible to Communist pressure.

No statement of general application can be made as to what constitutes sympathy or association under (b) above. Each case will be assessed in the light of the particular facts.

2. If the Minister rules that there is a prima facie case, the civil servant is at once to be so informed and will normally be sent on special leave with pay, care being taken as far as possible not to disclose the reasons for his absence to his colleagues.

3. The civil servant will at the time be given any particulars, such as the date of his alleged membership, or the nature of the alleged sympathies or associations, that might enable him to clear himself. There will however have to be limits to the information given for he cannot be given such particulars as might involve the disclosure of the sources of the evidence.

4. At the same time the civil servant will be asked to say whether he accepts or denies the allegation. If he accepts the allegation he will be dealt with as described in paragraphs 9 and 10 below. If he does not admit the allegation he shall have 14 days in which to make written representations to the Minister if he so wishes.

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* That is, the Minister responsible for the Department to which the civil servant belongs.

** In this Statement of Procedure, for convenience and brevity the term "Communist" is used to cover Communist and Fascist alike.

5. The Minister will reconsider his prima facie ruling in the light of any representations the civil servant may make. If the Minister decides that there is no reason for varying it, the civil servant shall be so informed and shall then have seven days in which to decide whether to ask for a reference to the Three Advisers. If he does not ask for such a reference he will be dealt with as in paragraph 8 below. If he does ask for a reference to the Three Advisers the latter will be asked to consider the case as soon as possible.

6. The function of the Three Advisers is set out in their Terms of Reference. Where there is no suggestion of Communist or Fascist associations or sympathies, cases of character defects will not be referred to the Tribunal, and appeals will be dealt with under the normal disciplinary procedure of Departments.

7. In discharging their functions the Advisers will take into account the representations made by the civil servant. They will hear him in person, if he so wishes. He may also ask third parties to testify to them as to his record, reliability and character but he may not be accompanied and/or represented by a third party before them. In the special circumstances of these cases the proceedings must be governed by the requirement that neither sources of evidence nor evidence which might involve the disclosure of sources can be given to the person concerned. The Advisers will therefore count it as an important part of their functions to see that anyone appearing before them can make his points effectively and will adapt their procedure in such a way as to give him the best possible opportunity of bringing out the points which he wishes to bring to their notice.

8. On receiving the report of the Three Advisers, the Minister will reconsider his prima facie ruling and if he decides to uphold it, he will give the civil servant an opportunity of making representations to himself or his representative before action is finally taken. Similar opportunity will be given when the civil servant does not wish his case to go to the Advisers.

9. If the prima facie ruling is finally upheld, a civil servant will be posted to or retained in a non-secret branch within his own Department, or, if this is not practicable, will be posted to a non-secret branch in another Department. If he belongs to a category which it is impossible to employ in any other than a secret branch, or if his qualifications or experience are such that no alternative employment elsewhere in the Government service can be found, he will have to be

dismissed unless he accepts the option, which should always be afforded in such case, of resigning.

10. Before a decision to re-post, or in the last resort (with resignation as the alternative), is made effective, the civil servant's staff association should be afforded an opportunity of suggesting any alternative re-posting that it may think more suitable, or of suggesting a possible re-posting as an alternative to dismissal or resignation.

11. If a civil servant resigns or is dismissed the existing Superannuation Acts provide automatically for certain consequences in his superannuation benefits. These consequences are set out in the attached Annex.

COPP

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CLARK

THE INEVITABILITY OF GRADUALNESS

A Report on Changes in University Government in Canada in the Post-Duff-Berdahl Era

This Report, here slightly edited, was presented at a Conference on University Government sponsored by the Department of Higher Education, University of Toronto, held in Toronto, October 27-28, 1967. An account of the proceedings of this conference will be published in the February '68 Bulletin.

When the Duff-Berdahl Commission began its work in 1964 the general picture of university government in Canada was outwardly rather stable. The C.A.U.T. had been concerned for some time with the need to reform university government, especially to provide greater faculty participation, and this concern lay behind the establishment of the Commission.

Some of the natives were restless and in one or two institutions a state of crisis could be said to exist. A few institutions were actively engaged in revising their statutes; but for the most part it was business as usual. Recently founded institutions and those in the process of formation looked to the established universities for guidance in establishing their structures; and the statutes then being written were almost carbon copies of statutes governing the older institutions. Student concern with university government had not yet emerged as a major force. There was little overt public interest in this arcane area of academic life.

Three years later, the situation is greatly changed. The Duff-Berdahl Commission and its Report, published in March of 1966, provided the stimulus for a thorough study of university government in Canada by all segments of the university community, a study which has resulted and continues to result in major modifications in university structures and procedures. Though this factor is not the only one contributing to the radically changed climate of opinion, the publication of the Report marks a watershed in thinking about university government in Canada.

The present paper undertakes to measure some of the more important changes in internal university government which have occurred since the establishment of the Commission and particularly since the

publication of its Report. It is not concerned with the evolving situation affecting the relations between universities and governments, even though this is an increasingly important area of concern.

Since the Commissioners undertook their work, a number of new universities have been formed; others have made substantial revisions in their statutes; and at almost all the rest an intensive examination of internal government has taken place resulting in recommendations for major reforms. Because the situation is changing steadily, it is not possible to 'stop the clock' and provide completely accurate up-to-date information on all aspects of these developments. One can report, however, that today only a handful of Canadian universities — I place the number at 6, though it may be as low as 4 or as high as 8 — have made no significant reforms in the structure of their internal government.

The Alberta universities, now three in number, have a new Act; so too do Laval, Montréal, Ottawa, Western, and Saskatchewan. Brandon College and United College are now Brandon University and the University of Winnipeg, each with a new charter. Brock, Trent, and Simon Fraser are new institutions. Revisions have been made in the charters of York, Acadia, and St. Dunstan's. And so on.

In preparing this Report, I received the generous assistance of quite a number of colleagues in the member associations affiliated with C.A.U.T. who responded to my survey questionnaire and I wish publicly to thank them. Because the situation, as I have said, is in a state of considerable flux, I cannot guarantee the accuracy or the completeness of my Report. However, as far as possible, I have checked all the information sent me and consider it correct.

This Report covers three main areas of university government : Board of Governors, Academic Senate, Administrative Offices.

BOARD OF GOVERNORS

In their Report, Sir James and Professor Berdahl criticized the boards of governors for being somewhat too homogeneous in membership, self-perpetuating, and often unwieldy because of excessive size. They rejected as impractical the theory that the lay board controls finance and the academic senate controls academic policy. They recommended that the size of the board be from 20 to 25 persons, but not less than 15; that faculty elected by the academic senate be represented on the board, not less than three persons nor more than 25% of the total number; and that there be greater co-ordination

between the activities of board and senate. The Commissioners noted that only two or three of the institutions they visited had elected faculty representation on the board. Today, the picture is quite different. According to the results of my survey, fifteen institutions now have faculty representation on the board of governors, and this number is very likely to increase in the near future.

The revised statutes of l'Université Laval, in effect prior to the publication of the Duff-Berdahl Report, embody a "one-tier" system which provides for twenty-four members, elected two from each faculty, on a large (60 plus) Conseil de l'Université. The new Universities Act in Alberta, involving Edmonton, Calgary and Lethbridge, promulgated shortly after the publication of the Duff-Berdahl Report, provides for two faculty members nominated by the General Faculty Council to serve on a fourteen-member board. The new charter of l'Université de Montréal gives five places to faculty appointed by the University Assembly on a board whose membership is not to exceed twenty-four. The revised act of the University of Western Ontario places four faculty elected by the Academic Senate on a board of twenty-three.

The new University of Winnipeg also has four elected faculty members, on a board of twenty-eight. St. Dunstan's University, in Charlottetown, now has four members appointed by the faculty on a twenty-member board. St. Francis Xavier University, in Antigonish, Nova Scotia, has four elected faculty on a rather larger board of thirty-nine.

Acadia, McMaster, Trent, and Mount Allison provide two faculty representatives. In the case of McMaster, however, these are elected by the teaching staff from among the heads and associate heads of the faculties and colleges (i.e. administrators) and in the case of Mount Allison the two faculty members are somewhat lost in a cumbersome forty-nine member board. At Acadia, with a thirty-six member board, two persons nominated by faculty from among faculty on senate are appointed to the board by the board itself. At Brandon the one faculty member is elected by the senate and sits on an eighteen-member board. Acadia, more cautious, has the single faculty member appointed by the board to complete its membership of thirty-six. Clearly, then, quite a few institutions now giving faculty representation on the board of governors do not provide the minimal number of faculty recommended in the Duff-Berdahl Report.

U.B.C., Manitoba, and a number of additional Ontario universities are preparing to revise their statutes in order to provide faculty member-

ship on the board. At the University of Toronto three faculty members from the President's Advisory Council act as observers at board meetings pending a change in the Act; a similar procedure is imminent at Brock.

To my knowledge the only document on university government produced in Canada since the Duff-Berdahl Report, recommending against faculty representation on the board of governors, is a Report from Memorial University of Newfoundland. The Committee at Memorial recommends a 30-member board, three of whom are to be appointed by the Lieutenant-Governor-in-Council on the nomination of the General Faculty Council but may not themselves be faculty members. Other institutions appear to have no plans for putting faculty members on the board.

I might also remark parenthetically that the Memorial Committee Report is the only evidence I have of an explicit endorsation of the Duff-Berdahl recommendation on a University Court. A few other Canadian institutions now have a body similar to a University Court but no other institution seems likely to propose establishing one.

In one of its most widely quoted, and criticized, recommendations, the Duff-Berdahl Report recommended against student representation on the board of governors and urged instead that students be represented by a Rector, himself not a student but elected by them. Despite steadily increasing pressure from students for direct representation on the board, and one near success in obtaining it (at Western), to date no Canadian university provides students with direct representation on the Board. A variation of the Rector concept, however, has been adopted in some institutions.

Montréal is to have two board members appointed after consultation with the Students' Council. Queen's has its Rector, though the office is now vacant and the students there are making efforts to force the issue of direct student representation. Western is to have one member on the board, not a student, but elected by them. One of the existing members of the board at St. Dunstan's is to be designated by the students as their representative.

A review of the various committee reports on university government shows that only at Carleton is there a specific recommendation for direct student representation on the board. Their Report completed last spring recommends that two students selected by the Students' Council serve on the board for three-year terms. A Report from Guelph

recommends the appointment of a student representative, not a student, from a short-list provided by the students.

Other institutions are likely to entertain sympathetically the recommendation that students be indirectly represented on the board; but it seems fair to say that there is little enthusiasm to date among board members, administrators, or faculty for the direct representation of students on boards. It seems equally fair to say that the students, at least their leaders, are likely to reject with anger offers of a student Rector on the board and to increase their pressure for direct representation.

It should perhaps also be noted that a Report on University Government recently completed at Brock recommends that University move towards the establishment of a University Council, comprising representatives of board, senate, administration and students, to be the chief governing body. This recommendation is in line with the model proposed by President Bissell of Toronto in his Annual Report a year ago and subsequently argued at the A.U.C.C. meetings last October. It would produce a "one-tier" system of university government as distinguished from the "two-tier" system so familiar to us.

ACADEMIC SENATE

Besides advocating strengthening the board of governors, the Duff-Berdahl Report made numerous recommendations calculated to broaden the role of the academic senate and increase its efficiency. Among other points, the Commissioners insisted that the senate should have the power to make recommendations to the board on any matter of interest and that it be able to participate in the regular review of the university budget.

Critical of the very large size of some existing Canadian academic senates, with their preponderance of *ex officio* non-faculty membership, the Report recommended an upper limit of 50 members, with a majority to be faculty elected by their peers for limited three-year terms.

In addition, the Report recommended that only full and associate professors (or alternatively, tenured faculty) be eligible for election to senate, except for two or three "junior" senate seats reserved for junior faculty members. Election to the senate, the Report urged, should take place in each school or faculty, rather than by the general faculty group as a whole. No firm recommendation was made in favour of direct student representation on senate; but the Commissioners did

refer to a proposal that one or two students become members of senate and stated clearly their judgment that students should be members of senate committees, including those dealing with educational policies and admissions standards.

A cursory glance at present provisions respecting academic senates or their counterparts in Canadian universities and colleges shows that some of these recommendations today are common practice while others have been almost completely ignored.

Although details are somewhat lacking, my impression is that there has been a definite movement in the direction of placing more power in the hands of the academic senate. This movement has been more marked in some institutions than in others; but it clearly represents progress towards democratization. So too, there have been changes in the composition of senates, with senates having a majority of elected faculty members now quite common.

For example, the Alberta Universities Act provides for a General Faculty Council of 74 members, with 45 elected by the various faculties. At Western an Academic Senate of 71, with 7 non-voting members, has 35 elected faculty representatives. The case is similar in Saskatchewan and at Montréal, though their senates are somewhat smaller.

The recommendation that faculty membership on senate be restricted for the most part to senior or tenured faculty has been ignored. So far as I can determine, only the University of Ottawa and McMaster restrict eligibility for membership on senate to full or associate professors. The new regulations at Brandon University, however, provide an interesting variant. Here one faculty member is elected to the senate from each faculty while in addition there are 6 senior faculty (full or associate professors) to be elected from the faculty as a whole and 2 junior faculty (assistant professors or lecturers) also to be elected from the whole faculty.

Changing times have already outdistanced the Duff-Berdahl Report in the matter of student participation on the Academic Senate. Already a number of institutions have provided direct student representation on senate, with more following suit almost every week. Indeed, in this area changes are occurring so rapidly this term that I have not been able to keep up with them.

U.B.C., Simon Fraser, and Victoria all provide student representation on the senate — 4 members — 1 graduate student and 3 undergraduates.

The new charter of the Université de Montréal provides for *at least* 6 students on their academic senate. At Western there is provision for 3 elected student representatives on the senate — 1 graduate student and 2 undergraduates. Windsor, Waterloo, and Sir George Williams have just announced that four students will be placed on the senate. Alberta (Edmonton) and Calgary have student representation on senate. The Reports at Carleton and Guelph recommend direct student participation on Senate. And so on.

The number of institutions providing student representation on senate committees, on departmental committees, and on joint board-senate committees is increasing very rapidly. Though I can only guess, I think that all but a handful of our institutions now have some provisions for student membership on at least some senate committees, while only a minority presently provide for student participation on joint board-senate committees or on committees at the faculty or department level. A recent news item from Waterloo Lutheran states that a student has been added to the committee charged with the task of recommending a new president for the University.

The number of institutions with an effective joint board-senate committee structure is still small and at many of these the experience with joint committees involving board, administration, and faculty is sufficiently new to cause some hesitancy over admitting students. Despite the very recent emergence of direct student participation in university government, it is safe to predict — I think — a rapid development of it. Indeed, I have heard the remark made that students will have an effective voice in the government of some universities before faculty do — a remark produced by a somewhat grudging recognition of the political sophistication exhibited by the student leaders as compared with the relative inertia of their faculty counterparts.

ADMINISTRATIVE OFFICERS

Among many suggestions to be found in the Duff-Berdahl Report dealing with administrative officers in the university, two stand out in my mind as essential to the further democratization of the university community. The first involves the role of the faculty in the process of selecting administrative officers, from departmental chairmen (or heads), through deans, to the president. The second involves a fixed term of office for administrators.

Because of my interest in these two matters, I endeavoured to find out what current practice is. Since the practice is very mixed, however,

the following remarks are perforce subject to several qualifications. While the practice of faculty consultation in making senior administrative appointments is still (unfortunately) rather uncommon, it is growing. Thus, for example, on the credit side, it can be reported that faculty were involved on the committees charged with responsibility for selecting a new president at U.B.C., at Western, at Queen's and at Memorial, thereby giving the faculty as a group an opportunity to state their wishes. On the debit side, at one university where a new president was named recently, the faculty first learned of the appointment from the daily press; and at another university the effective decision to replace the president was made by one person, a religious superior having no direct connection with the institution involved. There, neither board, senate nor faculty was formally consulted.

In the appointment of Vice Presidents and Deans, and the naming of departmental chairmen, faculty members are sometimes consulted, sometimes not. The practice may even vary within an institution from faculty to faculty and from department to department.

I judge that formal machinery for effective consultation exists only in a minority of our institutions. But it is being instituted in an increasing number, and occasionally practice is considerably in advance of structure. For example, the McMaster Senate has recently passed a motion that appointments to senior administrative offices, such as Vice Presidents and Deans, be made on the recommendation of the President after advice from a Senate Appointments Committee. At Calgary, Vice Presidents and Deans are appointed only on recommendations made in accordance with procedures approved by the General Faculty Council; and this means in effect after the faculty selection committee has made a recommendation. The Report at Guelph recommends that a Board Search Committee be established when a Senior Administrative Officer is to be named, and that this Committee be composed of the board chairman, two non-faculty board members and two faculty elected by the senate.

The matter of providing limited terms for administrative officers is equally difficult to discuss from a factual base. Though the practice of making administrative appointments from President down to Department Chairman "at the pleasure of the Board" or "without term" is still very common, it is being breached more frequently now, particularly in the case of decanal and departmental appointments.

Appointing Deans for limited but renewable terms is now a limited practice at Toronto, Queen's, McMaster, Calgary, and Edmonton, and

perhaps elsewhere. It is being recommended at Brock and Western and elsewhere. In this connection I should like to mention recommendations contained in the recently published reports at Windsor and at Guelph. The Guelph Report comes out strongly in favour of limited term appointment for all academic administrators including the President, and also recommends that the President, Vice Presidents, and Deans be given professorial appointments as well and thus be assisted in returning to academic life after their term as administrators. The Windsor Report, while favouring appointment without term for the President, recommends limited terms for departmental chairmen and couples this with a recommendation for a one-year leave at full salary irrespective of sabbatical arrangements after a term of administration. In my judgment, when a provision of this kind is made for retiring departmental chairmen it will do more than any other single thing to speed the introduction of limited terms and rotation at this level.

The developments summarized here, as well as others not mentioned, readily support the conclusion that reforms have taken place in the internal government of our universities. A good deal has been accomplished in the past three years; much more needs to be done. The pace of reform is accelerating; the need for reform may be accelerating even more rapidly.

In conclusion, I wish to refer very briefly to one chapter of the Duff-Berdahl Report so far unmentioned — the one dealing with "Universities and Provincial Governments". Though their treatment here is brief, what the Commissioners have to say about Master Plans, Provincial Advisory Boards, and recurring grants schemes merit careful attention. Events of the past year have made these matters even more important than they were when the Report was published. Apprehension over recent announcements by a prairie premier is only partially offset by the welcome news that two, more enlightened, provinces have now appointed full-time academics to their advisory boards on higher education.

Our universities are going to need all the strength they can muster to face these new challenges. Continuing reform of internal university government so as to provide effective participation by board, administration, faculty, and students is one of the indispensable means to building this strength.

Edward J. MONAHAN,
Associate Executive Secretary.

October 27, 1967.

CLASSIFIED RESEARCH AND THE UNIVERSITIES

The following is the text of a statement by the Federation of American Scientists on classified research in universities.

As an institution in our society, the university has traditionally played an important role by providing a haven for open inquiry, debate, and criticism free and detached from governmental, economic, or other influences. However, the increasing dependence of American universities on the federal government could lead to the loss of this basic function of the university. The dependence becomes dangerously close when a university takes on classified military research.

Classified university research for government or industry compromises, in a fundamental way, freedom of discussion and criticism. To impose an official framework of secrecy on research in a university is antithetical to the spirit and requirements of scientific and scholarly study. Likewise, it sets an improper milieu for the academic training of students.

Secondary Consequences

There are secondary consequences of secrecy in research which run counter to the values and basic functions of a university. We list a few of these consequences.

► Secret research in a university usually means classified areas, documents, and seminars or discussions.

► Resentments and frictions damaging to the university tend to arise between in-faculty and out-faculty.

► The basic process that strengthens objectivity and excellence — the presentation of results before the international community of scholars in a field — is severely inhibited for classified research.

► With its acceptance of classified research the university comes necessarily under the surveillance of security officers whose standards and purposes often run counter to those of the university. Pressure develops to require security clearance for department chairmen and university officials in order to judge the classified work of their professors or students. Those who are unable or unwilling to obtain security clearance are denied such positions of authority and are discriminated against in other ways.

Thus when a university accepts classified research, it submits to values and practices that threaten its basic functions of objective scholarly inquiry and teaching. Not only does it acquiesce in discrim-

ination and give up open and independent inquiry, but its faculty loses the right to know what its own university is doing.

Of course, government and industry should not be denied altogether the support and resources of university personnel for special classified work. Certainly, by means of consulting and leave-of-absence arrangements at the request of individual faculty members, the university may enable such individuals or other personnel to make their expertise available for classified work elsewhere, without the harmful effects outlined above.

Free Give-and-Take

However, it should be understood that work of a secret nature cannot be considered as the normal scholarly activity of a member of a university and under no circumstances can such work be used to fulfill any part of a degree requirement. Students should be trained to communicate and participate in open scholarly research and the free give-and-take of ideas and criticism.

The Council of the Federation of American Scientists recommends the following guidelines for university sponsored research :

► Except when a national emergency has been declared by the President of the United States, and then only in circumstances which require university participation, a university, as a corporate entity, should accept or administer external contracts or grants only for research projects whose principal purpose is to produce results which will be freely available and freely publishable in the ordinary manner of open research in the relevant discipline. This should apply to all university-owned laboratories, whether on or off campus. In cases of partial ownership, a useful test is whether or not the university has a controlling interest either in the choice of laboratory directorship or the choice of research programs.

► Universities should not accept funds that impose restrictions on the publication of research findings. Frequently universities have been successful in persuading federal agencies to eliminate such restrictions in the wording of research contracts. Universities should move independently and in cooperation with one another in efforts to have such restrictions removed.

► All university facilities should be open for use by faculty and students having a legitimate and relevant need for such use, and security clearance or approvals should not be condition for participation in federally supported university research or for the use of any university facilities.

PUBLICATION AND DUE PROCESS

Werner Cohn

"Judge not, that ye be not judged," we read in the Bible. Yet our academic profession, second perhaps only to that of lawyers, is one of continuous judging. First of all we judge students and their work; but we also judge our colleagues: applicants for positions, aspirants for promotions, authors of scholarly papers and books. It is this mutual judging — or, more frequently, the judging of juniors by their seniors within our profession — which I would like to consider here. I don't know whether or not we should do such judging, but it seems safe to assume that we will continue to do so if academic life continues to be in any way what it is now. The question I would like to take up is whether the judging is done as well as we know how.

Consider here, as an example, the judging of manuscripts. Whether and where a man publishes is perhaps of greater importance to his career than is any other single factor after the achievement of the Ph.D. But beyond that, what gets published in the major journals and by the major publishers is obviously of far-reaching importance to the basic character of all academic disciplines; it determines to a very large extent what will be taught to students, what will, in any sensible meaning of the term, be considered as true or at least as worth knowing. So the process of judging manuscripts is no trivial matter.

If we are to trust the statistics published by some of the journals, there are many more manuscripts submitted than are published. A ratio of one published for ten submitted is not at all extraordinary. I suppose that it is the general opinion in our profession that most, or at any rate much of the ninety percent that has been rejected is unadulterated trash, and that not much of value could have been lost to the world of scholarship by the elimination process. In fact, no matter how much we might wish for a liberalization in our capacity as authors, many of us undoubtedly wish for further restrictions in our capacity as harried readers. But on the whole, present methods of evaluating manuscripts, enjoying, as they do, such wide-spread acceptance, no doubt seem satisfactory — in general.

But not always in particular. First of all, among so many rejected authors, it seems a safe bet that not all are always satisfied that justice has been done. This is natural, of course, and perhaps not too much weight should be attached to opinions which have been so obviously influenced by disappointment and perhaps by hurt pride. But there

are also disquieting reports that important and far-reaching work by famous people at one time suffered from rejection by the most prestigious publishing outlets. A recent special issue of the *American Behavioral Scientist* told an altogether hair-raising story concerning difficulties surrounding the publication of Immanuel Velikovsky's *Worlds in Collision.* Bruno Bettelheim has written about his initially unsuccessful attempts to publish his classic article on behavior in concentration camps. It is true that one can speak of "happy endings" in the case of these famous scholars: their work was published despite the initial troubles, and the authors are now widely respected because of it. But does this mean that there is some hidden, mystical law which sees to it that virtue will always win out? It is after all only because of the happy endings that these cases have come to our attention. For each one of these, might there not be many unknown cases of important work which has fallen victim to inappropriate selection? For one thing, great persistence and enormous self-confidence in the face of adverse judgements by one's "betters" seem to be required for success in cases of initial rejection; but such qualities are not necessarily present in all those who have something important to say.

We are used to believing that good work will always win out, and that those who do not succeed in publishing important books and articles either do not do very good work, or else will eventually succeed. On the whole, I think that this impression is substantiated by the personal experiences most of us have, by what we see happening around us, and by what we can read in the literature. But there remain at least two important doubts. The first concerns the possibility of a rare, eccentric, strange genius who may remain unrecognized; the second is the perhaps greater possibility of a man who, without being terribly extraordinary in his talents or achievements, nevertheless does very high-quality work which is being pushed aside because it does not follow currently fashionable modes of thought.

To think further about such doubts, let us consider the hypothetical case of Professor X, a story without a happy ending which is based on real-enough occurrences. One day while lecturing to his graduate seminar, one of his students rather naively challenged Professor X concerning something we shall here call proposition Y. Since this proposition was universally accepted among the scholars in X's specialty, X gave the usual answers, and the student was satisfied. But X was struck by the insufficiency of his own reasoning, and began to worry about proposition Y. Could it be that there was something

basically deficient in Y ? X had been taught Y in his first introductory course in college, had seen all of his professors assume its soundness, and had in this way progressed through the various stages of his own academic apprenticeship. When it was his turn to teach, he taught Y faithfully until one day this altogether innocent student question set him to doubt it.

After this, X devoted some years to an exploration of Y, and began to write articles about his findings, viz. the need to reject Y. But his articles were rejected by the top journals in his field. The reasons seemed to X to be a mixture of bias, laziness in following close reasoning, and bad faith; bad faith because some of the arguments advanced against his articles demanded standards of scholarship which were altogether inappropriate. For instance, he was reproached for not having considered certain work which had only a very peripheral bearing on his subject. The rejections always took the form of very courteous letters of regret from the editors, elderly and kindly men personally known to X, together with unsigned excerpts from nastily-worded reports of referees, who of course remained anonymous. Once or twice X attempted to argue with a decision, in which case the article in question was sent to a further (anonymous) referee, who confirmed the view of the others, again anonymously.

It is often said that given the profusion of journals in many specialties, anyone can publish anything as long as he is willing to keep trying journals of lesser and lesser prestige. And indeed X found it possible to publish his articles in second and third-rate publications — sometimes in Arkansas, sometimes in Argentina — where they remain to this day, well protected against the curiosity of his fellows, well immune against discussion.

X now decided that the whole matter was perhaps more important than he had at first thought, since the reports from the journals' referees indicated to him that at least some of the important people in his field had attitudes which were most unreasonable concerning proposition Y. Accordingly, he prepared a monograph on the question of proposition Y in which he sought to expose his views at greater leisure and with more scholarly apparatus than had been possible in his articles. He submitted the manuscript to several of the major publishers of scholarly books, who in turn submitted it, for opinions, to experts in the field of X's specialty. It goes without saying that these experts again remained anonymous to X.

What happened in the case of one publishing house was more or less typical of them all. After a delay of six months, the manuscript was rejected by means of a courteous note from the chief editor of the publishing firm. X asked to see the expert opinions on which this decision had been based. This request was readily granted, and he was shown two reports from which only the names of their authors had been removed. One of these opinions was short and, it seemed to X, superficial. The expert began by excusing himself for his delay in reporting, which, he said, had been occasioned by some personal preoccupations. He went on to say that X's work must be considered as naive since it did not even accept one of the very bases of the discipline, namely proposition Y. Hence this expert could see no compelling reasons for publishing the book.

The other opinion was a great deal longer. It started by observing that the book was poorly written, but that perhaps one could expect no better from someone of Professor X's background. It then went on to argue in a very shrill and polemical style against the ideas of Professor X, which it attacked as resulting from ignorance of basic facts and ignorance of the work of the most famous scholars in the field (the names of these were specified but not any particular aspects of their work); finally it hinted very broadly that Professor X was altogether incompetent in his field.

Professor X prepared what seemed to him a reasoned reply to this second opinion, in which he attempted to answer, point by point, the criticisms levelled against his work. He also asked for specifications of the charge of having ignored the work of the most famous specialists in the field, since he had, in fact, studied these works in some depth. He submitted this reply to the publisher and asked that it be relayed to his anonymous critic. The publisher agreed that the reply raised serious points, agreed to send it on to the referee, but mentioned that any further correspondence would have to be completely at the option of the referee. The referee preferred not to answer Professor X's letter, and chose to remain not only anonymous but also silent. Professor X's monograph is still unpublished, and proposition Y retains its place as an unchallenged article of faith in X's discipline.

X feels that he has fallen victim to what may be called the fallacy of confused stages. Like many other specialized propositions, proposition Y is generally rejected and misunderstood by those in the first stage of learning the discipline. As students become more competent in the field, they begin to understand and accept proposition Y, and

thus may be said to be in a second stage. Professor X now claims that his own preoccupation with Y over a number of years has put him into a third stage, in which he has come not only to reject Y but also, since he feels the basis of Y to consist of an underlying ambiguity, to make such statements as "I do not understand what Y means." Professor X argues that his critics have confused his position with that of stage one. He feels that only a very thorough and conscientious study of Y would show the difference between the first and the third stage of understanding, and he feels that his judges have not gone to sufficient trouble to be capable of making this distinction.

The question now arises whether or not justice — insofar as justice is at all attainable — has been done to Professor X and to the world of scholarship in this case.

Let us assume that some sort of selection is necessary under our present publishing arrangements, although of course it is conceivable that ways could be found to print everything produced by acknowledged specialists. But assuming that selection will continue, and assuming also that this selection will continue to be made through the judgements of a limited number of specialists, is the present scheme the most efficient one for insuring that the most important work is disseminated ?

In the example I have sketched, it is indeed difficult for an outsider to tell whether Professor X's work was worthy of publication. In his own view, the work is significant and would, were it widely disseminated to his fellows, change the direction of a particular line of inquiry. In the view of some of the most prestigious scholars in his field — whose work, in this particular case, constitutes the very body of knowledge which X attacks — Professor X is a cantankerous crackpot. Given no more than these circumstances, most of us would suspect that the latter view is more probable than the former, since most of the time. in more cases than not, the more famous scholars are more competent than the less famous ones. But, after all, we know of cases in which this was not so; for instance the famous case of Dr. Ignaz Philipp Semmelweis, whose revolutionary work on childbed fever was recognized by the important people in his field only half a century after it was done.

We know that human judgements are fallible no matter how they are made. But were the judgements in X's case made as well as we know how ?

In certain other areas in which people are required to make judgements which may have grave consequences, most notably in court-room procedures in the Anglo-Saxon world, we are used to a set of precautions designed to minimize the possibility of bias arising from such subjective factors as favoritism, malice, laziness to consider the evidence, carelessness, and stupidity. We think of these safeguards as *due process*, the requirements of which give us a convenient set of criteria for a criticism of the procedures employed in the case of Professor X.

1. There was no guarantee of a *systematic, rational exchange of views*. Professor X's replies to the charges made by his critics were not required to be met in any detail; whether or not to pay any attention at all was left to the discretion of his accusers.

2. There was no requirement for a *specification of all the charges against his work*. His judges had it at their discretion whether, and to what extent, they wished to disclose just what displeased them about his work. Thus, Professor X could never be sure that he actually knew all the reasons, or even the major ones, for which his work had been rejected. And since there was no rational exchange of views — his most important critic in the case of his monograph never bothered to answer his letter — Professor X was left free to suspect that the rejection was at least partly due to the bias of his judges. And it must be remembered that these judges had a stake in the case, since if X is right, much of their own work is wrong.

3. The procedures lacked *accessibility to the public*. They were hidden not only from the public at large, but also from that smaller public which is comprised of the scholars in X's specialty. The anonymity of the judges, the fact that nobody could ever know for sure who made a particular judgment or for what reason — these factors of secrecy give little protection against the possibility of bias.

4. No *publicly accessible records* were kept of the procedures. Nobody committed himself in writing to an opinion concerning Professor X's work in such a way that others could consult, approve of, criticize, or learn from the incident. As far as the public world of scholarship is concerned, the incident has never occurred.

5. Finally, there was no *effective right of appeal*. Whatever rereadings or reconsiderations may occur, and the conditions under which these would occur, is left to informal arrangements which shift and change. Given the secrecy of the procedures, the anonymity

of the judges, and the absence of written records, Professor X had no effective opportunity of appealing to others in his specialty against the judgements of his critics.

I have so far spoken only of the problem of judging manuscripts because, since what gets into print so largely determines what gets to be known, the public interest is so very clearly involved. But there are also other kinds of judgements by academic people which might benefit from the point of view of due process. One problem, perhaps even more important than the one I discuss in this article, is the manner in which research funds are expended by foundations and government, on the advice of academic review boards. And then there is the problem of promotions within the academic establishment, which may be of lesser public interest, but is certainly of great concern to most professors. The issues arising from such questions are not identical to the ones I discuss here, but they are similar enough to warrant similar criticisms. I must leave it to the reader, however, to apply in detail the general principles of this article to these other circumstances.

It has been my general suggestion that many of the academic judgements which are now made without due process should be submitted to these basic rules of Anglo-Saxon justice. But there are at least three weighty objections which may be raised against this suggestion. First, it may be said that present procedures work well and that incidents of unfairness are very exceptional. Second, it may be argued that due process would sacrifice the anonymity of judgement which is essential in a community of friends and scholars. Finally, in the view of some, due process is too expensive, time consuming, and cumbersome.

Concerning the first objection, it does indeed seem to be true that present procedures are satisfactory most of the time. But the problem is precisely one of the atypical case, the atypical paper, the atypical professor. Semmelweis was no doubt an exceptional case in his time, but his story damns a whole system. Do we wish another case like his in our time? In my opinion, it takes no more than a single avoidable case of flagrant misjudgement under present procedures to make the argument for due process a compelling one. In fact, there are indications that cases of this kind occur from time to time. After all, one would hope that professors are no less human than judges. If we demand that the latter submit to due process to safeguard against possible bias, can we ask less for the professors?

The second objection would defend the present system of anonymity as essential to the academic community. It may be argued that the very objectivity which proponents of due process desire would be endangered if a man had to expose himself to his fellows when giving opinions of their work and worth. Specialists in the same field are commonly bound by ties of friendship, and it is hard to tell the (harsh) truth about a friend if the latter can find out what has been said. All defense of anonymity seems to be based on this argument, but it seems to me that this reasoning puts an altogether undue emphasis on a need to protect social institutions against unworthy individuals. There is a traditional distinction between Anglo-Saxon procedural thought, which places an emphasis on the protection of the individual, and certain other legal systems which place a greater importance on guarantees to the state. Curiously enough, American and Canadian universities and learned societies seem to have adopted continental European legal thinking when it comes to academic judgements.

Actually, there is no reason to fear that due process would make adverse judgements about friends unduly difficult. To be sure, such judgements would have to be better reasoned than they sometimes are nowadays, but a system under which one's judgements are open to public scrutiny would not encourage irresponsibility in favor of a man any more than it encourages irresponsibility against him. It seems to me that while the present system does gives some protection against hypocritically favorable judgements, it gives little systematic protection against unfavorable judgements such as may result from bias and carelessness.

The present system would work perfectly if all professors, or at least all senior professors, were invariably perfect gentlemen and scholars. Most of them undoubtedly are — most of the time, anyway — but the demand for due process bases itself on the idea that virtue is best protected when there are no opportunities to act otherwise.

Those who are impressed by the fact that the present system of anonymity usually seems to work well enough ought to consider the cases of really obnoxious personalities who write papers or apply for promotion, or of those who deal with really unfashionable topics, or those who for any number of reasons impress their fellows as somehow strange or different. One remedy which is available to most people in the case of an obviously unjust rejection by a journal or promotion board — namely a variety of informal approaches through

the network of friends which most people have been able to build — this remedy is not open to those who lack the necessary friends and connections. Perhaps the main reason that the present system is found at all satisfactory is the existence of such informal safeguards, but it is essential to recognize that there are classes of academic people who are systematically excluded from these. What a system of due process would do is make us all less dependent upon the vagaries of personal good will. And, it may indeed be hoped that it would also tend to shift criteria of success in the academic world away from considerations of friendship and sociability and toward the colder considerations of reason and intellect.

Finally, there is the question of cost in terms of time and money. There is little doubt that due process can be cumbersome and costly, and for that reason alone one cannot invoke it lightly. One must carefully weigh costs against benefits.

Our legal system seems to recognize a distinction between relatively trivial and relatively important cases; it tolerates a rather rough justice in the lowest courts while insisting on all the procedural safeguards in the higher ones. Similarly, there is probably a great deal of consensus concerning degrees of gravity in academic judgements. Not every grade given to an undergraduate student, and not every instance of a professor expressing a judgement about a colleague is sufficiently consequential to call for due process. But when a great deal is at stake, either for a student or a colleague, neither time nor money can be as expensive as an avoidable mistake in judgement.

Due process is already the established norm — thanks to efforts such as those of the A.A.U.P. and the C.A.U.T. — whenever there are grave issues between faculty members and administration. The most prestigious members of the academic community have given their weight to the fight for these procedures. But I now suggest that there occasionally also arise grave issues among individual members of the academic community, most typically when an individual with little prestige and little powers finds himself in opposition to those with more prestige and more power. Under present arrangements he often stands alone, without much institutional protection. It is in such instances that due process is badly needed.

Werner Cohn,

University of British Columbia.

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ACADEMIC FREEDOM AND TENURE IN THE YOUNG UNIVERSITY

(This piece first appeared in the Victoria Times.)

The recent events at the University of Victoria have brought into focus one of the most difficult problems faced by our rapidly growing universities in their attempts to maintain academic freedom and academic excellence. That problem is to attract highly qualified young staff by offering ideal conditions, and at the same time to avoid the selection of undesirable persons whose permanent presence on the faculty would impair the success of the university.

The events demonstrated what has often been shown before: that academic freedom, like many other great ideas, is simple enough to state, but far from simple to practise and protect. In essence it means the freedom of a faculty member to think and teach and of the student to think and learn, subject only to the restrictions imposed by the academic community that is the university itself. For the faculty member, of course, the definition must be taken to include the freedom to pursue research interests of his choice and to publish the results at which he arrives.

It is easy to see that academic freedom is closely related to other freedoms that are precious to democratic life. It is easy also to see that it is particularly necessary — essential, indeed — to the life of a university, where young people reaching maturity assemble together with mature scholars to engage in the freest and richest possible search for and discussion of knowledge and ideas. Clearly, academic freedom can thrive only where criticism thrives, and it is reasonable that criticism should be directed to the university community itself as freely as to the subjects being studied or taught. The primary responsibilities of teaching and research demand a kind of community that only the eternal vigilance of its inhabitants can make secure.

It is of course the hope and the intention of every university, and of every community that supports a university, that under the conditions of free enquiry and discussion, students will discover the nature of intellectual fulfilment, and will be more fully informed, more perceptive, more humane, more resourceful than they would otherwise become. Nevertheless, sometimes the community in which the univer-

sity exists threatens the freedom of the university — as, for example, a politician may do who is disturbed by unpopular free speech on the campus. And sometimes the university itself becomes the persecutor of individual faculty members or students and so betrays the academic freedom that it ought to be preserving.

It is in order to guard against that betrayal that the device known as tenure has been adopted. Academic tenure means, simply, that a professor with tenure holds his appointment until he reaches retirement age and that he can be dismissed only for cause properly established. It is akin to the security of appointment enjoyed by the judiciary, and the reasons for it are similar. It is in no sense intended to protect the incompetent. If a professor persistently neglects his responsibilities to his students or to his own study and research, he is surely demonstrating proper cause for dismissal, and tenure would not protect him.

It might be supposed that disputes about tenure would, then, arise in connection with dismissals. In Canada, happily, this is by no means the case. The recurring problems arise rather over the *granting* of tenure.

The decision to grant tenure is the most important single decision that a university ordinarily takes with regard to a faculty member, for it means that the faculty member is being given an appointment for life — unless he chooses to leave or displays persistent neglect of his duties. It is therefore natural and necessary that a university should watch with concern its new, inexperienced teachers. The decision must soon be taken with respect to them. It cannot long be postponed, because to delay it is to deprive tenure of its value as a protection of academic freedom.

It is obvious how important the decision is to the faculty member, and how important that it should not be delayed. Fear of arbitrary dismissal is demoralizing to anyone at any time. It is especially demoralizing to a young professor facing the cost of starting his career and his family. It is at this time that he develops his attitudes to teaching and research. It is also at this time that he is most susceptible to improper pressures — to "play it safe" by keeping silent when he could be usefully critical; to follow a "party line" rather than pursue knowledge for its own sake and teach as he sees fit.

The decision is equally important to the university. It must decide whether the faculty member will be a suitable addition to it. In its appraisal it must satisfy itself that he is a competent scholar, able to

teach effectively and to engage in research, and serious in his intention of doing so. It will also want to know other things: How well will the young professor fit into the existing, but growing and changing, university faculty? University presidents frequently extol, at Service Club luncheons and elsewhere, the university's tolerance of odd characters, the square pegs in round holes, in the name of academic freedom and scholarship. We need not deny that most professors, whatever their sex, are prima donnas; but few appointments committees and fewer presidents go out of their way to look for them for addition to the faculty.

Having satisfied itself, however, that a candidate has the qualifications of scholarship, the university deserving of the name will resort to incompatibility as a reason for rejecting a candidate only in the most extreme cases. If a university boasts of its tradition of criticism it should not be unduly sensitive to criticism by others, and least of all to criticism within its ranks. Self-criticism, indeed, is a duty owed by the university community to the world community it serves.

Nevertheless, criticism is rarely popular, and young, inexperienced teachers, fresh from post-graduate study, filled with enthusiasm and impatient with the slower, albeit maybe wiser, ways of their elders — these young members of staff may occasionally find their criticism resented by the establishment. If the critical attitude is stifled at this point — if advancement is seen to depend on "respect" for their elders — the "beginning" teachers may learn the very worst possible lesson: to suppress their criticism in favour of "safe" observations, polite but possibly inane.

This is the nub of the problem. The university community hesitates to accept the novice without a short period of "getting to know him". A probationary appointment serves this purpose for both the university and the young professor. If it should turn out that either feels he has chosen in error, he may gracefully retire. Usually a probationary appointment is followed by an appointment with tenure. Sometimes, however, the choice seems to have been quite wrong. In these cases, the university does not "fire" the professor. It simply does not renew his appointment, or, if tenure was due, it does not make the appointment with tenure.

It is at this point that what little right to protection the aspiring professor has must be respected, and must be seen by the whole university community to be respected. The professor has no right

to his appointment with tenure. The whole point of his probation was to see whether he should be appointed or not. This is the university's last opportunity to assure itself that the candidate will "fit". But the university cannot disregard humane consideration of the candidate's position. It does owe him the responsibility of an honest choice. Such a choice can only be made by a committee honestly selected to exercise honest judgment, taking into consideration both scholarship and personality. The very least the committee can do, if it thinks tenure should not be granted, is to allow the candidate the opportunity to appear before it and try to answer any objections that may be voiced. And once the committee has concluded that tenure should be denied, it should provide the candidate with an honest statement of its reasons. It is only too obvious that secrecy at this stage can do great injury to the candidate, who may have the highest qualities of scholarship, but may happen to have rubbed his elders the wrong way. While the elders may have been justified in their judgment, other elders may be willing to wait in patience until the angular attributes of youth have softened a bit. No rejected candidate should suffer the unfounded suspicions of incompetence or even, perhaps, moral turpitude. He is entitled to know, and he is entitled to tell anyone he wants to share his knowledge with.

J. B. Milner, Chairman,
Committee on Academic Freedom and Tenure, C.A.U.T.

ACADEMIC VACANCIES IN CANADIAN UNIVERSITIES AND COLLEGES

A list of teaching and administrative openings is published in November, February and April by the Association of Universities and Colleges of Canada, Box 902, 151 Slater Street, Ottawa 4, Canada.

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JOINT STATEMENT
ON
RIGHTS AND FREEDOMS OF STUDENTS

National educational associations representing faculty members, administrators, and students have developed this Statement on the Rights and Freedoms of Students and propose it for adoption as a joint statement of principle. Joint efforts to draft a statement began in the fall of 1966.

Under the auspices of the American Association of University Professors, thirty-three representatives from ten national educational organizations met in Washington, D.C., on November 13-14, 1966 to discuss the academic freedom of students and to explore the feasibility of reaching a consensus on standards in this area. Five organizations — The American Association of University Professors, the Association of American Colleges, the U. S. National Student Association, the National Association of Student Personnel Administrators, and the National Association of Women Deans and Counselors — participated in the planning of the conference. Five additional organizations — the American Council on Education, Association of American Universities, Association for Higher Education, Association of State Colleges and Universities, and the American College Personnel Association — participated in the conference. Those who attended concluded the meeting by concurring in the establishment of an ad hoc *committee to draft a statement for possible joint endorsement.*

The drafting committee, comprised of one representative each from AAUP, AAC, USNSA, NASPA, and NAWDC, with the staff assistance of Dr. Peter H. Armacost, AAC, and Mr. Robert Van Waes, AAUP, met in Washington on June 23, 1967. The joint statement which follows is a mutual effort in every respect. While it owes much to statements proposed by the AAUP, AAC, and USNSA, the suggestions and perspectives of other educational organizations have been taken into account. The result is a consensus that links good standards to viable practices.

The Joint Statement on Rights and Freedoms of Students as members of the academic community will now be submitted to each of the ten national educational organizations that contributed to its formulation for such action as their committees, commissions, and

FROM THE NOVEMBER COUNCIL
LE CONSEIL, RÉUNION DE NOVEMBRE

1. INVESTIGATION OF SIMON FRASER UNIVERSITY
ENQUÊTE À SIMON FRASER UNIVERSITY

Council received a request from the Faculty Association of Simon Fraser University, based on a resolution of that body, to carry out an investigation of problems which have arisen at that University.

Following presentation of the matter by the representative from Simon Fraser, Council approved unanimously the following resolution :

> "That this Council instruct the Executive and Finance Committee to comply with the request of the Faculty Association of Simon Fraser University that the C.A.U.T. 'investigate the breakdown in communications between the Faculty Association and the President' and to take such further action as it may deem appropriate."

In compliance with this motion, the Executive and Finance Committee has established a team of three investigators to be sent to Simon Fraser as soon as the necessary arrangements can be made. Members are Professor Alwyn Berland (Saskatchewan, Regina), J. Percy Smith, Executive Secretary, and James Milner (Toronto), Chairman.

The Association has become gravely concerned with the increasingly frequent indications of deep dissension at Simon Fraser and expects that this investigation will recommend ways to improve the well-being of the University.

2. REVISION TO THE CONSTITUTION OF THE C.A.U.T.
MODIFICATION DES STATUTS DE L'A.C.P.U.

Section #4 of the Constitution, dealing with the composition of the Council was amended by the addition of the following sub-section (b):

> (b) A member association which is also a member of a recognized provincial or regional group, may at its discretion, delegate its Council seat to that group.
>
> A member association which has decided to delegate its representation on Council to a provincial or regional group, or to regain direct representation, must so notify the Executive Secretary in writing not less than two months before the Meeting of Council at which the decision is to take effect. The Executive Secretary must in turn notify the other members of Council.

L'article 4 des statuts qui détermine la composition des membres du conseil est remanié par l'addition de la section (b) ci-dessous :

(b) une association affiliée, membre d'un organisme provincial ou régional reconnu, si elle le juge à propos, peut déléguer à cet organisme son siège au conseil.
Une association membre qui choisit de céder à un organisme provincial ou régional son droit de représentation au conseil ou qui décide de recouvrer ce droit doit informer par écrit le secrétaire général au moins deux mois avant la réunion du conseil à laquelle cette décision entre en vigueur. Le secrétaire avise à son tour les autres membres du conseil.

3. POLICY STATEMENT ON ACADEMIC APPOINTMENTS AND TENURE

DÉCLARATION DE PRINCIPES SUR LES NOMINATIONS ET LA PERMANENCE

After further debate and amendment, Council approved the *Draft Policy Statement on Academic Appointments and Tenure* prepared by the Committee on Academic Freedom and Tenure.

This *Statement*, the result of almost three years' work by the Committee, marks an important step in the Association's continuing efforts to secure acceptance of sound principles and procedures affecting academic freedom and tenure in Canadian universities.

After some minor editorial revisions, the *Statement* will be published in the February '68 issue of the *Bulletin*.

4. COMMITTEE REPORTS — RAPPORTS DES COMITÉS

Comité des traitements — Committee on Salaries

Le nouveau président du comité, monsieur Pierre-Paul Proulx (Université de Montréal), soumet au conseil un rapport préliminaire sur les traitements de l'année d'exercice. Ce rapport appuyé de tableaux statistiques sera publié dans la livraison de février 1968 du *Bulletin de l'A.C.P.U.*

Committee on Professional Ethics — Comité de déontologie

The Committee, chaired by Professor Roy Watson (Victoria) has now begun its work of studying questions of professional ethics for university faculty members and preparing a report on which a policy statement may be based.

Committee on Part-time Programmes — Comité d'étude des cycles de cours à temps partiel

Though the terms of reference of this Committee have been established for some time and a number of persons have been approached to

serve on the Committee, pressure of other business this fall has prevented completion of the roster and the scheduling of a meeting.

Committee on the Status of Women — Comité d'étude du statut du professeur féminin

This Committee has almost completed its work, and the report should soon be available. During the summer a section of its investigations was carried out through an arrangement with the Royal Commission on the Status of Women, which subsidized this part of the Committee's work. The data obtained under this arrangement will be made available immediately to the Commission, and will form part of the Association's brief to that body. The report will in due course be published in the *Bulletin*.

Committee on Mergers — Comité d'étude sur l'intégration d'institutions

This awkwardly-titled Committee is now in the process of being formed. It results in part from a resolution passed at a recent meeting of the Academic Freedom and Tenure Committee, "that we draw the attention of the Executive and Finance Committee to the problems presented for faculty members when institutions merge or otherwise change their relations to one another, and that we urge that Committee to consider what action might be taken in view of the likelihood that the problem will arise frequently in the course of the next few years." At its October meeting, the Executive and Finance Committee passed a resolution, "that the Associate Executive Secretary be asked to establish a committee to study the effects of mergers of institutions on a) the status of faculty members, and b) the relations of faculty associations, and to make recommendations concerning them."

Comité d'étude de la besogne du professeur — Committee on Work-load

Au printemps dernier, quatre universités participent à l'étape pré-enquête de cette étude en vue de déterminer la qualité du questionnaire. Les résultats de la pré-enquête indiquent que le questionnaire devra subir de nouvelles revisions. Cette étude ne pourrait être terminée sans le concours d'un personnel plus nombreux. À cette fin le bureau de direction recommande de s'adresser à l'*Ontario Institute for Studies in Education* et tenter d'obtenir la collaboration de leur personnel.

5. APPLICATION FOR AFFILIATION

DEMANDE D'AFFILIATION

Council was informed that an application for affiliation had been received from the Faculty Association of Notre Dame University of

Nelson. The application will be processed in the regular way and a report, with recommendations, presented to Council at its spring meeting.

6. C.A.U.T. LIFE MEMBERSHIPS

MEMBRES À VIE DE L'A.C.P.U.

At its annual Council dinner, the Association conferred honorary life memberships on three persons with records of long and distinguished service to the Canadian university community :
Professor Kenneth Byrd, of McGill University, Mr. R. D. Mitchener, of the Education Support Branch of the Department of the Secretary of State, and Professor R. W. Torrens, of the University of Western Ontario.

7. SPRING MEETING OF THE COUNCIL

RÉUNION DU CONSEIL AU PRINTEMPS

Following an earlier decision by Council, plans were announced to hold the regular spring meeting of Council at a date and place separate from the annual meetings of the Learned Societies. The next meeting of the C.A.U.T. Council will be held in Ottawa, May 18-19, 1968.

8. C.A.U.T. GROUP FLIGHTS TO EUROPE, SUMMER, 1968

VOLS DE GROUPE VERS L'EUROPE, ÉTÉ 1968

Group Flights to Europe sponsored by the Association continue to increase in popularity and arrangements have been made with Finlay Travel Service to continue them again next summer. The final schedule for Group Flights, Summer 1968 is as follows:

		Leaves	**Returns**
Group #1	Toronto/Montreal/London	May 7	June 30
2	" " "	May 25	Sept. 5
3	" " "	June 10	Aug. 19
4	" " "	June 20	Sept. 2
5	" " "	July 8	Sept. 11
6	" " "	July 9	Aug. 14
7	Montreal/Paris	June 17	Aug. 19

ROUND TRIP FARES :	**Toronto - Montreal to London**		**Toronto - Montreal to Paris**	
Adult	$345.00	$299.00	$381.00	$335.00
Child (2 thru' 11)	$172.50	$149.50	$190.50	$167.50
Infant (under 2)	$ 29.90	$ 29.90	$ 33.50	$ 33.50

governing bodies consider appropriate. It is hoped that a number of these organizations will endorse the Joint Statement at an early date. The statement should not *be considered the official policy of any organization until there has been formal action by that association.*

The Statement was approved by the U.S. National Student Association in August, 1967, and by the AAUP Council in October, 1967.

The Joint Drafting Committee:

Dr. Phillip Monypenny, Political Science, University of Illinois, AAUP, *Chairman*

Dr. Harry D. Gideonse, Chancellor, New School for Social Research, *AAC*

Mr. Edward Schwartz, National Affairs Vice-President, *USNSA*

Dr. Peter H. Armacost, President, Ottawa University, former Program Director, *AAC*

Mr. Earle Clifford, University Dean of Student Affairs, Rutgers, The State University, *NASPA*

Dr. Ann Bromley, Associate Dean of Students, Santa Fe Junior College (Fla.), *NAWDC*

Mr. Robert Van Waes, Associate Secretary, *AAUP*

PREAMBLE

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Institutional procedures for achieving these purposes may vary from campus to campus, but the minimal standards of academic freedom of students outlined below are essential to any community of scholars.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Each college and university has a duty to develop policies and procedures which provide and safeguard this freedom. Such policies and procedures should be developed at each institution within the framework of general standards and with the broadest possible participation of the members of the academic community. The purpose of this statement is to enumerate the essential provisions for student freedom to learn.

I. FREEDOM OF ACCESS TO HIGHER EDUCATION

The admissions policies of each college and university are a matter of institutional choice provided that each college and university makes clear the characteristics and expectations of students which it considers relevant to success in the institution's program. While church-related institutions may give admission preference to students of their own persuasion, such a preference should be clearly and publicly stated. Under no circumstances should a student be barred from admission to a particular institution on the basis of race. Thus, within the limits of its facilities, each college and university should be opened to all students who are qualified according to its admission standards. The facilities and services of a college should be open to all of its enrolled students, and institutions should use their influence to secure equal access for all students to public facilities in the local community.

II. IN THE CLASSROOM

The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

A. *Protection of Freedom of Expression.* Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

B. *Protection Against Improper Academic Evaluation.* Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

C. *Protection Against Improper Disclosure.* Information about student views, beliefs, and political associations which professors acquire in the course of their work as instructors, advisers, and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student.

III. STUDENT RECORDS

Institutions should have a carefully considered policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions of access to each should be set forth in an explicit policy statement. Transcripts of academic records should contain only information about academic status. Information from disciplinary or counseling files should not be available to unauthorized persons on campus, or to any person off campus without the express consent of the student involved except under legal compulsion or in cases where the safety of persons or property is involved. No records should be kept which reflect the political activities or beliefs of students. Provision should also be made for periodic routine destruction of non-current disciplinary records. Administrative staff and faculty members should respect confidential information about students which they acquire in the course of their work.

IV. STUDENT AFFAIRS

In student affairs, certain standards must be maintained if the freedom of sudents is to be preserved.

A. *Freedom of Association.* Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests.

1. The membership, policies, and actions of a student organization usually will be determined by vote of only those persons who hold bona fide membership in the college or university community.

2. Affiliation with an extramural organization should not of itself disqualify a student organization from institutional recognition.

3. If campus advisers are required each organization should be free to choose its own adviser, and institutional recognition should not be withheld or withdrawn solely because of the inability of a student organization to secure an adviser. Campus advisers may advise organizations in the exercise of responsibility, but they should not have the authority to control the policy of such organizations.

4. Student organizations may be required to submit a statement of purpose, criteria for membership, rules of procedures, and a current list of officers. They should not be required to submit a membersship list as a condition of institutional recognition.

5. Campus organizations, including those affiliated with an extramural organization, should be open to all students without respect to race, creed, or national origin, except for religious qualifications which may be required by organizations whose aims are primarily sectarian.

B. *Freedom of Inquiry and Expression.*

1. Students and student organizations should be free to examine and to discuss all questions of interest to them, and to express opinions publicly and privately. They should always be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations students or student organizations speak only for themselves.

2. Students should be allowed to invite and to hear any person of their own choosing. Those routine procedures required by an institution before a guest speaker is invited to appear on campus should be designed only to insure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.

C. *Student Participation in Institutional Government.* As constituents of the academic community, students should be free, individually and collectively, to express their views on issues of institutional policy

and on matters of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of the student government and both its general and specific responsibilities should be made explicit, and the actions of the student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

D. *Student Publications.* Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large.

Whenever possible the student newspaper should be an independent corporation financially and legally separate from the university. Where financial and legal autonomy is not possible the institution, as the publisher of student publications, may have to bear the legal responsibility for the contents of the publications. In the delegation of editorial responsibility to students the institution must provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

Institutional authorities, in consultation with students and faculty, have a responsibility to provide written clarification of the role of the student publications, the standards to be used in their evaluation, and the limitations on external control of their operation. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications the following provisions are necessary :

1. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.

2. Editors and managers of student publications should be protected from arbitrary suspension and removal because of student,

faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal.

3. All university published and financed student publications should explicitly state on the editorial page that the opinions there expressed are not necessarily those of the college, university or student body.

V. OFF-CAMPUS FREEDOM OF STUDENTS

A. *Exercise of Rights of Citizenship.* College and university students are both citizens and members of the academic community. As citizens, students should enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy and, as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. Faculty members and administrative officials should insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off campus.

B. *Institutional Authority and Civil Penalties.* Activities of students may upon occasion result in violation of law. In such cases, institutional officials should be prepared to apprise students of sources of legal counsel and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved should the special authority of the institution be asserted. The student who incidentally violates institutional regulations in the course of his off-campus activity, such as those relating to class attendance, should be subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure.

VI. PROCEDURAL STANDARDS IN DISCIPLINARY PROCEEDINGS

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, educational institutions have a duty

and the corollary disciplinary powers to protect their educational purpose through the setting of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities. In the exceptional circumstances when the preferred means fail to resolve problems of student conduct, proper procedural safeguards should be observed to protect the student from the unfair imposition of serious penalties.

The administration of discipline should guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the offense and the sanctions which may be applied. They should also take into account the presence or absence of an Honor Code, and the degree to which the institutional officials have direct acquaintance with student life, in general, and with the involved student and the circumstances of the case in particular. The jurisdictions of faculty or student judicial bodies, the disciplinary responsibilities of institutional officials and the regular disciplinary procedures, including the student's right to appeal a decision, should be clearly formulated and communicated in advance. Minor penalties may be assessed informally under prescribed procedures.

In all situations, procedural fair play requires that the student be informed of the nature of the charges against him, that he be given a fair opportunity to refute them, that the institution not be arbitrary in its actions, and that there be provision for appeal of a decision. The following are recommended as proper safeguards in such proceedings when there are no Honor Codes offering comparable guarantees.

A. *Standards of Conduct Expected of Students.* The institution has an obligation to clarify those standards of behavior which it considers essential to its educational mission and its community life. These general behavioral expectations and the resultant specific regulations should represent a reasonable regulation of student conduct but the student should be as free as possible from imposed limitations that have no direct relevance to his education. Offenses should be as clearly defined as possible and interpreted in a manner consistent with the aforementioned principles of relevancy and reasonableness. Disciplinary proceedings should be instituted only for violations of standards of conduct formulated with significant student participation and published in advance through such means as a student handbook or a generally available body of institutional regulations.

B. *Investigation of Student Conduct.*

1. Except under extreme emergency circumstances, premises occupied by students and the personal possessions of students should not be searched unless appropriate authorization has been obtained. For premises such as residence halls controlled by the institution, an appropriate and responsible authority should be designated to whom application should be made before a search is conducted. The application should specify the reasons for the search and the objects or information sought. The student should be present, if possible, during the search. For premises not controlled by the institution, the ordinary requirements for lawful search should be followed.

2. Students detected or arrested in the course of serious violations of institutional regulations, or infractions of ordinary law, should be informed of their rights. No form of harassment should be used by institutional representatives to coerce admissions of guilt or information about conduct of other suspected persons.

C. *Status of Student Pending Final Action.* Pending action on the charges, the status of a student should not be altered, or his right to be present on the campus and to attend classes suspended, except for reasons relating to his physical or emotional safety and well-being, or for reasons relating to the safety and well-being of students, faculty, or university property.

D. *Hearing Committee Procedures.* When the misconduct may result in serious penalties and if the student questions the fairness of disciplinary action taken against him, he should be granted, on request, the privilege of a hearing before a regularly constituted hearing committee. The following suggested hearing committee procedures satisfy the requirements of procedural due process in situations requiring a high degree of formality :

1. The hearing committee should include faculty members or students, or, if regularly included or requested by the accused, both faculty and student members. No member of the hearing committee who is otherwise interested in the particular case should sit in judgment during the proceeding.

2. The student should be informed, in writing, of the reasons for the proposed disciplinary action with sufficient particularity, and in sufficient time, to insure opportunity to prepare for the hearing.

3. The student appearing before the hearing committee should have the right to be assisted in his defense by an adviser of his choice.

4. The burden of proof should rest upon the officials bringing the charge.

5. The student should be given an opportunity to testify and to present evidence and witnesses. He should have an opportunity to hear and question adverse witnesses. In no case should the committee consider statements against him unless he has been advised of their content and of the names of those who made them, and unless he has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

6. All matters upon which the decision may be based must be introduced into evidence at the proceeding before the hearing committee. The decision should be based solely upon such matter. Improperly acquired evidence should not be admitted.

7. In the absence of a transcript, there should be both a digest and a verbatim record, such as a tape recording, of the hearing.

8. The decision of the hearing committee should be final, subject only to the student's right of appeal to the President or ultimately to the governing board of the institution.

ST. CLAIR COLLEGE

requires a

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THE POSITION — a new office created to administer a wide variety of proposed vocotionally oriented courses connected with the Poromedical field — Heolth Services Field — e.g. Medical Loborotory Technology, Nurses Training, X-Ray Technologist, Public Health.

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ST. CLAIR COLLEGE is a young, dynomic ond rapidly growing educotional orgonizotion devoted to assisting young people to prepore themselves both sociolly ond vocotionally for the complex world which they ore entering os odults. We invite you to assist us in this exciting and chollenging venture.

INQUIRES should be addressed to, or phone :
DR. R. C. QUITTENTON,
President,
St. Clair College of Applied Arts and Technology,
Tolbot Rd.,
Windsor, Ontario.
966-1656

PRAESES

Three heads we've had at Aachen U. —
of all the kinds each shade and hue :
our founding cleric first appears,
who reigned for each of thirty years;
next comes our academic head,
who lasted twenty, then was shed;
and now a business man presides,
who for our growing debt provides.

Our first, the Reverend Mr. Gates
(Old Gayters to our graduates
and more rebellious faculty),
was firm with affability :
assured, unthinkingly devout,
and never hampered by a doubt,
"The Lord be with you," he would say
and, smiling gently, have his way.
The faithful rich he would approach —
"God's work, it must be done" — and broach
the College need : they'd give enough
to smooth a portion of the rough.

To all us teachers in his school,
"You're free," he'd say; "we have no rule
of what to teach or how : you know
your subjects best; so teach them, go :
be glad at Witness you're so free,
and leave administering to me."
(Note : Witness College was our name
before our present prexy came.)

With students Gayter was benign :
their chapel-cutting was a sign
of boyishness they'd soon outgrow;
their questioning of laws below
and God above but showed their years,
which time would cure — no need for fears;

and when a girl committed sin,
regardless of with whom it'd been,
he always softened up the blow,
and smiled, "Go, sin no more — but go."

When asked to speak, he had one theme,
his favourite semi-enthymeme :
"Set up your light upon a stand;
Let it be seen throughout the land."
His son he trained to serve the kirk,
and sent his girl on mission work;
his favourite reading, politics;
his hobby, taking care to mix.
His secret goal, so said a friend,
was but to have his service end
by being made — so right for Gayter —
his church's chief administrator.

Our second head, a Dr. Locke,
was chosen midst a lot of talk
our president should be a scholar,
so he could stand a good deal taller
among his staff and prexy peers,
and set them on their learned ears.

"Let's keep an open mind," he'd say,
then dither all his time away;
for where his predecessor would
weigh up the shouldn't with the should,
consider this and t'other side,
retire to pray, and then decide,
our Dr. Locke would contemplate,
withdraw himself to meditate,
find ample cause to hesitate,
and finally procrastinate.
When pressed at length for a decision,
for refuge he would turn precisian,
point out three sides and then implore,
"An open mind ! There might be four !"

A former English scholar, he
affected use of imagery :

"The faculty enjoyed a perch,
from which to teach and do research :
they should be glad he did the work
(the tiring tasks he'd rather shirk)
that kept them all suspended there,
exempt, cocooned from worldly care.
Let no one shake the tree," he'd frown,
"Lest all of us come tumbling down."

At each Assembly he would talk
about the wonders of our Locke :
each year he would, as if to tease us,
narrate his student days at Jesus,
or page by page, in tones that'd freeze us,
expound the subject of his thesis.
Hence "Loc. cit." was his covert name,
in praise of his creative flame;
at other times 'twas "Locke the door,"
for while he claimed to have rapport,
the curfew rang each night at ten
(to keep all out of Sin's dark den),
and lest one think him irreligious,
cutting prayers was sacrilegious;
but when his students really strayed,
he'd face them, inwardly dismayed,
unwilling mercy to refuse,
uncertain of his Regents' views,
and so would usually expel them,
but not before he'd sternly tell them,
"You've sullied Witness' reputation
and caused me endless perturbation."

Within, he grieved to see them go —
their leaving didn't help us grow :
he lived by numbers, for the numbers came;
they piled up records, and they gave him fame;
he used them to impress the Regents,
and hoped thereby to gain allegiance;
but as enrolment figures grew
the need for buildings mounted too,
and tho' our Locke approached the rich

to make his Bearing Witness pitch,
his scholar's mind would fluctuate
with reasons they should *not* donate;
so while he talked of *that* and *this,*
the Board decided to dismiss.

Our third and present head then came,
encircled with financial fame;
for G. M. Oldes had on his own
(assisted by a banker's loan)
got both his canning plants to grow,
and knew all those one ought to know.

Large buildings sprouted at his call;
then so as to finance them all
he hired a firm of money-raisers,
sent teams of co-eds out in blazers,
and organized the faculty
to beg from friends and family.

Then to improve our corporate image,
our name, a vestige of the prim age,
he changed, and raised our status too,
from Witness College to Aachen U.
(He felt we must appear the first,
and privately our luck he cursed
in listings alphabetical
to rank so antithetical;
so looking in his lexicon,
the answer he soon hit upon :
"We'll stand supreme midst old and new :
henceforth our name is Aardvark U."
But then his Vice's secretary,
who had a larger dictionary,
turned up the page on which occurs
that infra-red of monikers;
so with this *ne plus ultra* taken,
our prexy changed again, to Aachen.)

Before, we wooed the pious with
the motto of our fondest myth —

"Attend the college that won't hurt you :
Though last in name, the first in virtue,"
but at our president's behest
our target now should be expressed,
"Let Aachen U. achieve to fame,
First in size, as first in name."

For numbers are his test of good;
without them, he will ask, how could
one judge of productivity
or measure perceptivity,
how could one tell which course is best
without the acid numbers test,
or tell which scholar is terrific
except that one has proved prolific,
or know that Aachen's far superior
to colleges with date anterior ?

Expansion is his constant theme,
a mammoth size his dearest dream :
to compass which, we optimize
our overloads, we modernize
our teaching modes, and advertize
our plush abodes, for nothing even ties
numerical rapacity
for maximum capacity;
we take each crop and squeeze them in,
our own tomatoes in a tin,
then label them, with few pains taken,
identical B.A.'s from Aachen.

For Oldes, professors serve to man
the line assembling every can :
our job to turn the spigots on,
then grace each convocation lawn,
but leave administering to those
whom he, in practised wisdom, chose.

Committees are his fond devices
for handling each unpleasant crisis :
all chapel cares he has deputed

to one of clerics constituted;
ten different faiths they represent,
so every sect may be content,
and he may thereby free his mind
for problems of a broader kind.
The discipline of students he
assigned to deans and faculty;
when they report themselves perplexed :
"Refer to Counselling Service. Next !"
Whenever one of us proposes
a scheme he secretly opposes,
"Refer to Committee B," he'll say,
and so ensure a term's delay,
at the end of which, "Committee C
should really review the policy."
(Hence each committee, we've come to feel,
is rightly called an Oldesmobile.)
And if a scheme should still survive,
our Oldes will use his overdrive :
approve the project's principle,
then find a budget obstacle.

But Oldes we've taught how to aspire,
and now his goal is set much higher,
for since he's solved our weighty crises
the best of all our varied praeses,
and builds, and works efficiently,
he's sure that when the voters see
he can so well administer,
they'll vote him in, prime minister.

W. K. Thomas,
University of Waterloo.

CHANGES IN THE STRUCTURE AND FINANCING OF C.A.U.T.

At the recent June Council meeting, several important decisions were made affecting the structure and the financing of C.A.U.T. Because of their significance to the development of the Association, it is important that all members understand them. To assist in this, the following account has been prepared. It deals briefly with the background leading to the decisions and explains their meaning.

Over the past several years, the need for the development of strong provincial and regional groups of faculty associations has grown in Canada, particularly in Ontario and Quebec. The decision of the federal government last fall to turn over to the provinces direct responsibility for the financing of higher education provided a strong impetus for the de-centralization to the provincial level of many university matters and accelerated this development. In response to their growing and changing needs, during the past year the Ontario and Quebec associations have each decided to establish a permanent secretariat.

MODIFICATIONS À LA STRUCTURE ET AU MODE DE FINANCEMENT DE L'A.C.P.U.

Des décisions majeures prises en juin dernier à la dernière réunion du conseil modifient la structure et le mode de financement de l'A.C.P.U. La portée de ces changements dans l'avenir de l'Association doit inciter tous ses membres à les examiner. À cette fin nous vous présentons un compte rendu. Il porte sur les événements qui entraînent ces décisions. Nous tenterons également d'exposer leur signification.

Le besoin grandissant d'établir des organismes provinciaux et régionaux des professeurs apparaît depuis quelques années au Canada et en particulier au Québec et en Ontario. La décision du gouvernement fédéral de remettre aux provinces la responsabilité directe du financement de l'enseignement supérieur crée un fort mouvement de décentralisation vers l'échelon provincial de plusieurs questions relatives aux universités. Elle contribue de plus à accélérer cette tendance. Devant des besoins nouveaux et plus nombreux, le Québec et l'Ontario décident de doter leur organisme provincial d'un secrétariat permanent.

At the *Conference on the Future of C.A.U.T.*, held in September, 1966, (reported in the *Bulletin,* Vol. 15, No. 2, Dec. '66) attention was focussed on two central issues facing the Association :

1. the need to re-state the basic objectives of C.A.U.T. and to outline the programmes necessary to achieve them;

2. the need to develop an organizational structure appropriate to the effective achievement of the agreed-upon programmes.

Among those present at that Conference, there was a clear consensus that the Association ought, as it has in the past, to continue to concern itself with every matter that affects significantly the quality of university life in Canada. While it was evident that this concern should now express itself in ways somewhat different from those in effect when there were no intermediate groups (viz., provincial or regional groups of faculty associations) standing between local faculty associations and C.A.U.T., no clear decision was taken at that Conference (nor could there have been) as to what structural changes should be made. It was left to the Executive and Finance Committee to take the steps necessary to meet the new and emerging situation.

En septembre mille neuf cent soixante-six, les participants à la rencontre sur les perspectives de l'A.C.P.U.* examinent deux aspects essentiels de l'Association :

1. besoin de réaffirmer les objectifs fondamentaux de l'A.C.P.U. et d'esquisser les travaux nécessaires à leur réalisation;

2. besoin de créer une structure fonctionnelle adaptée à l'exécution efficace des travaux convenus.

Les participants à cette rencontre s'accordent à penser que l'Association doit continuer comme dans le passé à s'occuper de chacune des questions importantes reliées à la qualité de la vie universitaire au Canada. Par suite de la création d'organismes intermédiaires entre les associations locales des professeurs et l'A.C.P.U., i.e. les organismes provinciaux et régionaux, l'Association doit se manifester de façon différente. Les participants de cette rencontre ne jugent pas à propos de suggérer des modifications à la structure de l'Association. D'ailleurs quelle décision aurait pu être prise. Le bureau de direction se charge

* Le compte rendu de cette rencontre est publié dans le *Bulletin de l'A.C.P.U.*, tome 15, no 2, décembre 1966, pp. 4-41.

In the fall of 1966, C.A.U.T. received notice of the disaffiliation of l'Association des Professeurs de l'Université Laval. Behind this disaffiliation lay the decision of the Laval association to concentrate its energies on the local and provincial levels; its disinclination (in view of this decision) to continue supporting C.A.U.T. on the existing fee basis; and its desire to see the structure of C.A.U.T. changed so as to make it more strictly a federation of associations.

At the December meeting of Council, the President of C.A.U.T. announced the establishment of a special sub-committee under the chairmanship of Professor Jacques St-Pierre (Montréal) to examine the relations between provincial and regional faculty associations and C.A.U.T. At this time it was stated that the Association recognized that changes in both structure and financing might be desirable, and the sub-committee was charged with responsibility for bringing to Council specific recommendations on both of these matters.

At this meeting, representatives from Montréal and Sherbrooke indicated the increasing difficulties their associations were having in meeting their financial obligations to C.A.U.T., owing to the need to

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de prendre alors les dispositions nécessaires pour étudier les moyens de s'adapter à la situation toute nouvelle.

À l'automne mille neuf cent soixante-six, l'Association des professeurs de l'Université Laval avise l'A.C.P.U. de sa désaffiliation. Cette décision de Laval s'explique par le besoin de concentrer leurs efforts aux questions locales et provinciales, leur désaccord sur le régime actuel des cotisations et leur désir de voir modifiées, les structures de l'A.C.P.U. dans le sens strict d'une fédération d'associations.

À la réunion du conseil en décembre, le président annonce la création d'un comité spécial. Ce comité sous la présidence de monsieur Jacques St-Pierre examinera les relations entre l'A.C.P.U. et les associations provinciales et régionales. Déjà l'Association reconnaît la nécessité de modifier sa structure et son mode de financement. Le comité présentera au conseil des recommandations précises sur des modifications à la structure et au mode de financement.

Les délégués des associations des professeurs de Montréal et de Sherbrooke soulignent à cette réunion la difficulté croissante à remplir leurs obligations financières envers l'A.C.P.U. à cause des sommes qui

increase their financial support for their provincial association (APULFQ). In the spring of 1967, C.A.U.T. was notified of the disaffiliation of l'Association des Professeurs de l'Université de Sherbrooke.

The Report of the St-Pierre Committee was tabled at the June Council meeting and provided the basis for the decisions on structure and finance which were taken there.

In the Preamble of this Report, the Committee indicated the three principles which had guided its deliberations:

A. The strength of C.A.U.T. has always been in the local faculty association, and this condition must be encouraged to continue;

B. The development of provincial and regional groups of faculty associations is necessary and inevitable and should be supported by C.A.U.T.;

C. The support by C.A.U.T. of provincial and regional groups of faculty associations should include provision of some financial assistance.

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seront versées à l'association provinciale, l'A.P.U.L.F.Q. Au printemps mille neuf cent soixante-sept, l'Association des professeurs de l'Université de Sherbrooke nous informe de leur désaffiliation.

Le rapport du comité St-Pierre, déposé au conseil en juin, sert de document de base lors des décisions de modifier la structure et le mode de financement de l'A.C.P.U.

Les trois principes du préambule au rapport guident la discussion des membres du conseil :

A. la force de l'A.C.P.U. a toujours résidé à l'échelon de l'association locale des professeurs, cette condition doit demeurer;

B. la création d'organismes provinciaux et régionaux s'avère nécessaire et inévitable, l'A.C.P.U. doit les supporter;

C. l'assistance de l'A.C.P.U. aux associations provinciales et régionales des professeurs doit aussi porter sur une aide financière.

Because the development of provincial or regional groups was recognized to be more urgent in some areas than in others and because this has produced differences in the attitudes of local associations towards them, towards the kind of structure C.A.U.T. should ultimately have in view of the emergence of these groups, and towards the rate of evolution of such a structure, the Committee judged it desirable to establish a scheme which might be flexible enough to allow these varying attitudes to be embodied while at the same time providing for the development of provincial and regional structures within the national organization.

In order to provide some machinery for ease of consultation between C.A.U.T. and the provincial and regional groups, and among the groups as well, while at the same time maintaining a high degree of flexibility, the Committee recommended changes in structure which will enable local associations to move toward a three-tier system of organization (local, provincial or regional, and national) *if and when they find it desirable.*

Reconnu comme plus urgent dans certaines régions que dans d'autres, l'établissement d'organismes provinciaux et régionaux suscite différentes attitudes au sein des associations locales. Les réactions sont aussi partagées sur le genre de structure dont l'A.C.P.U. doit se doter face à la création de ces organismes et sur la vitesse d'évolution de cette structure. Le comité juge désirable le développement d'un régime qui, suffisamment flexible, permettrait de concilier les attitudes diverses et l'établissement d'organismes provinciaux et régionaux intermédiaires.

Soucieux d'assurer par des mécanismes très flexibles la consultation entre l'A.C.P.U. et les organismes provinciaux et régionaux et entre les associations provinciales et régionales, le comité recommande des modifications à la structure qui offrent aux associations locales le choix de s'acheminer vers un régime d'organisation à trois niveaux : local, provincial ou régional et national.

Modifications à la structure

Le conseil adopte des modifications à la structure de l'A.C.P.U. s'inspirant des recommandations du comité St-Pierre :

Structural Changes

The structure of C.A.U.T. as modified by the decision of Council in accordance with the recommendations of the St-Pierre Committee is embodied in the following points:

1. Local faculty associations should continue to regulate their own affairs, including collecting fees and determining their own membership.

2. The C.A.U.T. Council should continue to be based on the principle that each local association is entitled to one seat.

3. Where a local association is a member of a provincial or regional group and wishes to be represented on the Council through that group (i.e., to move specifically towards the adoption of a three-tiered structure) it should be empowered to transfer its Council seat to that group.

   If all local associations in a province choose to be represented through the provincial or regional group, a complete three-tiered system will have been established for that province or region.

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1. les associations locales continueront à diriger leurs propres affaires incluant la perception des cotisations et la définition des conditions d'adhésion de leurs membres;
2. chacune des associations affiliées conservera comme dans le passé un siège au conseil;
3. l'association locale, membre d'un organisme provincial ou régional qui désire céder à cet organisme son siège au conseil, i.e. elle adopte la structure à trois paliers, a le droit de transférer à cet organisme son siège au conseil. Dans la province ou la région où toutes les associations locales cèdent à l'organisme provincial ou régional leur représentation au conseil, s'implante une structure à trois échelons;
4. l'organisme provincial ou régional qui détient au conseil le siège d'une association locale assume la responsabilité financière des cotisations per capita de cette association. Dans ce cas l'organisme provincial ou régional verse à l'A.C.P.U. un montant de cotisations égal à celui que paierait l'association locale si elle siégeait directement au conseil;
5. suivant sa propre procédure constitutionnelle, l'association pourra transférer son siège au conseil à l'organisme

4. An association which transfers its Council seat to the provincial or regional group will at the same time transfer to that group its liability for per capita C.A.U.T. fees. If a local association is represented on Council by a provincial or regional group, that group is liable for payment of fees to C.A.U.T. in an amount equal to what the liability of the local association would be if it were directly represented on Council.

5. A local association will require its own constitutional procedure for transferring its Council seat to a provincial or regional group and for voting a return to direct representation. A member association which has decided to delegate its representation on Council to a provincial or regional group, or to regain direct representation, must so notify the Executive Secretary, who must in turn notify other members of Council, in writing not less than two months before the meeting of Council at which the decision is to take effect.

6. A provincial or regional group will be free to admit to its membership local associations which are not members of C.A.U.T.,

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provincial ou régional ou voter par la suite le retour à la représentation directe. L'association membre qui délègue sa représentation au conseil à l'organisme provincial ou régional ou l'association qui revient à la représentation directe au conseil avertit le secrétaire général de l'A.C.P.U. Celui-ci informe à son tour les autres membres du Conseil. Cet avis doit lui parvenir par écrit au moins deux mois avant la réunion du conseil à laquelle entre en vigueur le changement dans la représentation;

6. l'organisme provincial ou régional pourra admettre comme membres les associations locales non affiliées à l'A.C.P.U. Mais seules les associations membres de l'A.C.P.U. selon les pratiques existantes auront le droit de siéger indirectement au conseil par l'intermédiaire de l'organisme provincial ou régional.

Par suite des modifications à la structure ratifiées par le conseil, le bureau de direction a l'intention d'étudier soigneusement les façons d'effectuer une représentation automatique et régulière des organismes provinciaux et régionaux au bureau de direction. Cette étude nécessitera une définition de ce qui constitue *acceptable* un organisme provin-

but only associations affiliated with C.A.U.T. in accordance with existing practices will be empowered to be represented on the Council through the provincial or regional group.

These changes in structure having been approved, the Executive and Finance Committee intends to make a careful study of ways of effecting regular automatic representation of provincial and regional groups on the E & F Committee. This study will require defining what constitutes an acceptable provincial or regional group. As an interim immediate step, the E & F Committee intends to invite the presidents of existing provincial and regional groups to attend meetings of the Committee as observers.

Financial Changes

Having thus affirmed that C.A.U.T., along with local faculty associations who are members of a provincial or regional group, has a responsibility to provide financial support for the development of such groups, Council agreed to the following proposals arising from the recommendations of the St-Pierre Committee:

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cial ou régional. Comme mesure intérimaire, le bureau de direction invitera comme observateurs à ses réunions les présidents des organismes provinciaux et régionaux existants.

Modifications au mode de financement

L'A.C.P.U. de concert avec les associations locales qui sont membres d'organismes provinciaux ou régionaux reconnaissent leur responsabilité de contribuer au financement et au développement de tels organismes. Le conseil ratifie les recommandations suivantes du comité St-Pierre :

7. toute association locale membre d'un organisme provincial ou régional reconnu par l'A.C.P.U. a droit à une remise sur ses cotisations per capita à l'A.C.P.U. La remise est égale à un tiers de la cotisation per capita de l'organisme provincial ou régional, cotisation fixée suivant ses propres besoins. La remise est toutefois limitée et soumise aux conditions contenues aux articles 8, 9 et 10 ci-dessous;

8. en aucun cas la remise sur les cotisations per capita ne doit excéder cinq dollars;

7. Each local association belonging to a recognised provincial or regional group is to be entitled to a reduction of the per capita C.A.U.T. fees equal to one third of the per capita fee levied by the provincial or regional group for its own purposes, subject to the limitations contained in # 8-10 below.

8. In no case shall the reduction in the per capita C.A.U.T. fee exceed five dollars.

9. No reduction in the per capita C.A.U.T. fee will be made where the per capita provincial or regional fee is less than three dollars.

The following table illustrates points 7, 8, and 9. Three examples are given :

EXAMPLE I — For the rank of Associate Professor, the annual C.A.U.T. fee is $21 :

a) The local association is not a member of a recognized provincial or regional association. It pays C.A.U.T. an annual fee

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9. si la cotisation de l'organisme provincial ou régional est de moins de trois dollars, l'A.C.P.U. n'accordera aucune remise sur les cotisations.

Le tableau ci-dessous illustre les articles 7, 8 et 9. Citons trois exemples :

EXEMPLE I — au rang d'agrégé, la cotisation annuelle à l'A.C.P.U. est de $21 :

a) l'association locale n'est membre d'aucun organisme provincial ou régional. Elle verse à l'A.C.P.U. une cotisation annuelle de $21 pour chacun de ses membres au rang d'agrégé;

b) l'association locale est membre d'un organisme provincial ou régional reconnu par l'A.C.P.U.; la cotisation annuelle à cet organisme est fixée à $12. L'association locale soumet une demande de remise sur ses cotisations. En vertu de l'*article 7*, l'A.C.P.U. accorde à l'association locale une remise de (⅓ × $12) $4. Dans le cas des professeurs agrégés, l'association locale verse à l'A.C.P.U. une cotisation annuelle de ($21 — 4) $17 pour chacun des membres à ce rang.

of $21 for each of the members holding the rank of Associate Professor;

b) The local association is a member of a provincial or regional group recognized by C.A.U.T.; the annual per capita membership fee in this group is $12; and the local association requests a reduction in its fees to C.A.U.T. In accordance with #7,

rang	association non membre d'un organisme provincial ou régional	association membre d'un organisme provincial ou régional		rank
	cotisation à l'A.C.P.U.	cotisation à l' organisme provincial ou régional	cotisation à l'A.C.P.U.	
titulaire	$ 28	$ 12	$ 28 - 4 = 24	Professor
agrégé	21	12	21 - 4 = 17	Associate
adjoint	17	12	17 - 4 = 13	Assistant
chargé de cours	13	12	13 - 4 = 9	Lecturer Instructor
titulaire	$ 28	$ 18	$ 28 - 5 = 23	Professor
agrégé	21	15	21 - 5 = 16	Associate
adjoint	17	9	17 - 3 = 14	Assistant
chargé de cours	13	2	13 - 0 = 13	Lecturer Instructor
rang	C.A.U.T. Fee	Provincial or Regional Association Fee	C.A.U.T. Fee	rank
	Affiliates of C.A.U.T. not a member of a provincial or regional association	Affiliates of C.A.U.T. with membership in a provincial or regional association		

EXEMPLE II — au rang de titulaire, la cotisation annuelle à l'A.C.P.U. est de $28 :

a) l'association locale n'est membre d'aucun organisme provincial ou régional. Elle verse à l'A.C.P.U. une cotisation annuelle de $28 pour chacun de ses membres au rang de titulaire;

C.A.U.T. grants a reduction of $4 (⅓ of $12) to the local association. For each of its members holding the rank of Associate Professor, the local association pays C.A.U.T. an annual fee of $17 ($21 — 4).

EXAMPLE II — For the rank of full Professor, the annual C.A.U.T. fee is $28 :

a) The local association is not a member of a recognized provincial or regional association. It pays C.A.U.T. an annual fee of $28 for each of the members holding the rank of full Professor.

b) The local association is a member of a local or provincial group recognized by C.A.U.T.; the fee structure of this group is *graduated* and is $18 per annum for members holding full Professor rank; and the local association requests a reduction in its fees to C.A.U.T. In accordance with #8, the maximum reduction is $5. For each of the members who are full Professors, the local association pays C.A.U.T. an annual fee of $23 ($28 — 5).

EXAMPLE III — For the rank of Lecturer or Instructor, the annual C.A.U.T. fee is $13.

a) The local association is not a member of a recognized provincial or regional association. It pays C.A.U.T. an annual fee of $13 for each of the members holding the rank of Instructor or Lecturer.

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b) l'association locale est membre d'un organisme provincial ou régional reconnu par l'A.C.P.U.; la cotisation annuelle *stratifiée* de cet organisme, au rang de titulaire, est de $18 par année. L'association locale soumet une demande de remise sur ses cotisations. En vertu de l'*article 8*, la remise maximale sur les cotisations est de $5. Dans le cas des professeurs titulaires, l'association locale verse à l'A.C.P.U. une cotisation annuelle de ($28 — 5) $23 pour chacun des membres à ce rang.

EXEMPLE III — au rang de chargé de cours, la cotisation annuelle à l'A.C.P.U. est de $13 :

a) l'association locale n'est membre d'aucun organisme provincial ou régional. Elle verse à l'A.C.P.U. une cotisation annuelle de $13 pour chacun de ses membres au rang de chargé de cours;

b) The local association is a member of a recognized provincial or regional group; the fee structure of this group is *graduated* and fixed at $2 per annum for members at the rank of Instructor or Lecturer; the local association applies to C.A.U.T. for a reduction in fees. In accordance with #9, there is no reduction in the C.A.U.T. fee if the annual membership fee for the provincial or regional group is less than $3. For each of the members holding the rank of Lecturer or Instructor, the local association pays C.A.U.T. an annual fee of $13 ($13—0).

10. This system of fee reduction shall go into effect at the request of a local association and shall remain in effect for a period of three years, subject to review by C.A.U.T. Council at the end of the second year in order to determine whether it shall be renewed, modified, or terminated at the end of the third year. This means that the system of fees reduction can be claimed by local associations who qualify for it at a time of their choice. The system may be implemented by different associations at different times.

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b) l'association locale est membre d'un organisme provincial ou régional reconnu par l'A.C.P.U.; la cotisation annuelle *stratifiée* de cet organisme, au rang de chargé de cours, est de $2 par année. L'association locale soumet une demande de remise sur ses cotisations. En vertu de *l'article 9*, aucune remise sur les cotisations n'est accordée si la cotisation à l'organisme provincial ou régional est inférieure à $3. Dans le cas des chargés de cours, l'association locale verse à l'A.C.P.U. une cotisation annuelle de ($13 — 0) $13 pour chacun de ses membres à ce rang.

10. le régime de remise sur les cotisations entre en vigueur au moment où l'association soumet sa demande. Il demeure en vigueur pour une période de trois ans. Le conseil de l'A.C.P.U. revise cette entente au terme de la deuxième année : il détermine si à l'expiration de la troisième année l'entente sera renouvelée, modifiée ou terminée. Le régime de remise sur les cotisations réclamé au moment choisi par l'association locale entre donc en vigueur en différents temps à diverses associations.

Partiellement par suite de ces décisions, le conseil adopte également la proposition du trésorier sur un régime nouveau de cotisation des

In conjunction with these decisions, but not entirely as a result of them, Council also agreed to accept the proposal of the Treasurer for the introduction of a new system of calculating individual membership fees in C.A.U.T. This new system, which is to go into effect in one year's time — in September, 1968 for the fiscal year, 1968-69 — provides for a graduated scale of membership fees based on academic rank. Each member of C.A.U.T. will pay in annual dues an amount equal to $1.60 per thousand dollars of the median salary for his academic rank as calculated by D.B.S. for the previous year, the amount of the fee being rounded to the nearest dollar.

As calculated by the Treasurer, the new system will likely produce the following fee structure for the year 1968-69 : (Table 2)

Tableau 2 Table 2

rang	projection du traitement médian 1967 - 1968	cotisation stratifiée 1968 - 1969	rank
titulaire	$ 17, 367	$ 28	Professor
agrégé	13, 345	21	Associate
adjoint	10, 342	17	Assistant
chargé de cours	8, 091	13	Lecturer Instructor
rang	1967 - 1968 Projected Median Salary	1968 - 1969 Fee Structure	rank

membres de l'A.C.P.U. Le nouveau régime entrera en exercice en septembre prochain pour l'année universitaire mille neuf cent soixante-huit, mille neuf cent soixante-neuf. Il prévoit une stratification de la cotisation selon le rang universitaire. Tout membre de l'A.C.P.U. paiera une cotisation annuelle équivalente au produit de un dollar soixante ($1.60) par mille dollars ($1,000) du traitement médian de son rang l'année précédente. Le Bureau fédéral de la statistique publie annuellement le traitement médian selon le rang universitaire. Notons

The net impact of the new system will be to increase Association revenues sufficiently to enable it to meet its financial obligations, including those involved in granting reductions to those local associations that choose to take advantage of the new arrangements referred to above, and to provide a built-in factor for continuing annual increases in revenue.

Edward J. Monahan,
Associate Executive Secretary.

September 22, 1967.

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que le montant de la cotisation sera un chiffre entier, le produit est augmenté ou réduit au plus près dollar.

Selon les projections du trésorier, la cotisation stratifiée de l'année 1968-1969 sera la suivante : (Tableau 2)

L'effet de ce nouveau régime des cotisations haussera les recettes de l'Association. Il lui permettra de remplir ses obligations financières, en particulier la remise sur les cotisations aux associations locales qui soumettront leur demande. De plus les revenus de l'Association augmenteront de façon annuelle et permanente.

Edward J. Monahan,
secrétaire général adjoint.

ce vingt-deux septembre mille neuf cent soixante-sept.

SUBMISSION TO THE HONOURABLE MITCHELL SHARP, MINISTER OF FINANCE

by

THE CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS

on

THE REPORT OF THE ROYAL COMMISSION ON TAXATION

In its original brief to the Carter Commission, this Association urged that university teachers be allowed, as persons practising their profession, to deduct from their employment income a variety of related expenses.

DEDUCTION OF EXPENSES

The recommendations of the Commission, in Chapter 14, Vol. 3 of the Report, for "effectively bringing all significant non-cash benefits into tax and . . . putting the deduction of expenses on the same basis for employees and the self-employed", are therefore welcomed, in principle, by the Association. They are seen as largely satisfying the needs of university teachers, by taxing them, like all other persons in employment, on the same basis as the self-employed.

EXPENSES REASONABLY RELATED TO THE EARNING OF INCOME

The proposed determinant of deductibility is that the expenses shall be "reasonably related to the earning of income" (Vol. 3, p. 312). It is recognized that this undefined standard of "reasonableness", already existing in sec. 12(2) of the present Income Tax Act, is necessary, but that it will result in continued differences of interpretation, in specific cases, by the taxpayer and the Income Tax Department. It is believed that university teachers may suffer in this respect, through a misunderstanding of their duties and responsibilities by the tax authorities.

ENTERTAINMENT EXPENSES, TRANSPORTATION EXPENSES, ETC.

The Commission refers specifically to an employee's entertainment expenses, transportation expenses, costs of meals and lodging, and costs of attending conferences, recommending that they be not included in his income when paid for by the employer. It proposes limits which "might vary with the salary of the employee, to reflect the cost of obtaining comparable accommodation." (Vol. 3, p. 305). However, these are all costs which, by the nature of his employment in a profession in which he is, in effect, acting as a practitioner, the university teacher is often called upon to bear, without reimbursement by his employer. The test of reasonableness will then clearly be applied, in deciding deductibility, for income tax purposes. The Department should therefore establish rules which are liberal enough to recognize the special position of the university teacher. In the course of his duties, unless he is head of a department, with a budget for financing university expenses, he is bound, as a conscientious university teacher, to incur heavy entertainment expenses without reimbursement. It is his status as a university teacher that must determine the reasonableness of the actual expenses, in each particular case, and the Department should be fully aware of the personal responsibilities involved. The Commission's reference (Vol. 3, p. 306) to action to be taken, if the procedure recommended for entertainment expenses is abused, indicates how important it will be to formulate liberal judgments on such matters, well in advance.

CONVENTION COSTS

The same considerations apply to convention expenses, including all the costs of transportation, meals and residence. It is probably not well enough understood that there are great differences, from university to university, in the financing of these expenses. Some universities are well able to defray these costs and

do so for all academic employees, sending them to conference and committee meetings across Canada quite freely, at university expense. In other cases, though a good teacher will feel it his duty to attend the meetings of the Learned Society of which he is a member, he can actually attend only at his own expense, since he has no university budget available to him.

This does, in fact, prove to be quite a costly expense for university teachers, particularly where they are members of professional bodies, as in the case of doctors, lawyers, chartered accountants, architects, or engineers. It is essential that the reasonableness in principle of the claims for deduction of these costs, on a really liberal basis, shall be accepted by the Department, the costs themselves being supported by satisfactory vouchers.

In this connection this Association supports the minority recommendation of Commissioner Beauvais (Vol. 1, pages 58/9) against the fixing of specified limits for conference registration fees and daily rates of entertainment expenses, meals and lodging.

PERSONAL OR LIVING EXPENSES

While it is accepted that personal or living expenses should not normally be deductible by any taxpayer, there are certain expenses which might seem to come under this heading but should, in the special circumstances of a university teacher, clearly be deductible.

EXPENSES OF USE OF STUDY AT HOME

Whatever his residence, whether owned or rented, the university teacher will probably have a study set aside for professional purposes. The very nature of his profession necessitates this, and expenses reasonably deductible from employment income should include a proportion, on an area basis, of the rent of the study, or of the property

taxes, building insurance and depreciation, also depreciation of the furniture, equipment and library, a proportion of the costs of telephone, lighting and heating, and of any interest costs, where there is a mortgage on the taxpayer's own premises. The fact of a separate study in his university in no sense invalidates this claim, for the university teacher must, of necessity, do a great deal of his studying, research, and preparation for lectures at home.

DOUBLE LIVING EXPENSES THROUGH SUMMER SCHOOLS, ETC.

If a university teacher maintains his own residence while away at summer school, or on sabbatical leave, then the costs of residence paid for while away should be accepted as deductible from summer school or sabbatical income, not being regarded as a personal expense, since they duplicate the home living expenses.

USE OF TAXPAYER'S AUTOMOBILE FOR UNIVERSITY PURPOSES

It must be accepted that, like any person in the practice of his profession, the university teacher will use his own car for university purposes, quite distinct from travelling between his home and the university. Here again the standard of "reasonableness" must have due regard to the circumstances, which are likely to require visits by car to other universities, and to institutions or companies naturally associated with the discipline taught at the university.

All these factors will need to be carefully considered by the Department, in consultation with the informal advisory committee of non-governmental experts recommended by the Commission (Chap. 32), to ensure that sufficiently liberal regulations are adopted, for application in the assessment of university teachers throughout the country. There have been too many cases, in the past, of varying interpretations

of the regulations, in like circumstances, in different parts of Canada. The point to be emphasised is that the cost of living of university teachers is high, in comparison with that of other professional employees. It is this very fact that should enable them to obtain proper compensation, through consequent reduction of their tax base, by paying reduced income tax, under the proposals of the Commission.

PENSIONS AND OTHER FRINGE BENEFITS

(1) The Commission recommends (Vol. 3, pp. 421/2) that there shall be only one set of requirements for all registered plans, whether pension plans, profit sharing plans, or registered retirement plans.

(2) They should have no annual limitation based on a percentage of earned income or on an amount for each employee.

(3) Where dividends were received *from Canadian corporations* the administrator of the plan would be entitled to claim for it a refund of the applicable corporate income tax.

(4) The tax concessions attached to registration would, in principle, be limited to Canadian residents and to taxpayers who were permitted to elect to be taxed as resident, even though they temporarily became non-resident.

Here the restriction in (3) as to dividends received, by the administrator of the plan, from Canadian companies, is of great significance and might prove particularly detrimental to university teachers in certain universities.

Under the present Act, such distinctive plans as the Teachers Insurance and Annuity Association (T.I.A.A.) and the College Retirement Equities Fund (C.R.E.F.), in the United States, are not open to individual Canadian residents, *under the registered retirement savings plan*, because neither of them does business in Canada. However, Canadian universities may, and a number of them do, authorise the use of T.I.A.A. — C.R.E.F. annuity contracts *within their*

normal registered pension funds. This applied, for example, to the University of British Columbia, up to June 30th., 1967, and it applies still to Victoria University, B.C., and some others. Yet, if these universities continue to allow their teachers this option, the planned integration of corporation and personal income taxes (a generally acceptable and fundamental proposal of the Commission) will see dividends received from C.R.E.F., by the Canadian trustees, not qualifying for the 50% tax credit, thus considerably reducing the accumulation in the fund. For virtually all the investments of these funds are non-Canadian and the Commission proposes that not more than 10% of the income of a registered fund shall be from foreign sources. Hence it would seem that T.I.A.A. — C.R.E.F. and other such plans could no longer be adopted, even for a university's normal retirement plan.

Since the T.I.A.A. — C.R.E.F. plan would be deemed non-registered, any benefits received, in excess of the taxpayer's own contributions, would be taxable in full, subject to a foreign tax credit for tax withheld. The past election to invest in these funds has been made in order to obtain the benefit of higher dividends from outside Canada, particularly from the United States. [1] Quite apart from preventing future investments abroad, it would be grossly inequitable to penalise the holders of interests in these funds, by forcing them to sell any foreign securities. T.I.A.A. — C.R.E.F. would no longer be available for pension investments in Canada.

This brief does not wish to dispute the Commission's sound reasoning in favour of a maximum target figure for the taxpayer's retirement pension, rather than the present maximum annual contributions by employer and employee. However, it does emphatically wish to contest two points :

[1] Also to obtain the hedge against inflation offered by corporate stocks. Insurance companies in Canada are only just beginning to offer such variable annuities.

(1) the unimaginatively low maximum of $12,000 set for the target pension, [2]

(2) the failure to provide for any automatic adjustment of the maximum, from year to year.

INFLATION AND THE CEILING FOR TAXFREE PENSION ACCUMULATIONS

(1) The Commission recommends (Vol. 3, p. 423) that the maximum allowable benefits for all registered income plans, for any tax unit, be the equivalent of a single life annuity, with a guaranteed term of ten years, of $12,000 a year for an individual, payable from age 65. It points out that the $12,000 limit refers only to the tax benefit, and does not prevent a larger accumulation for retirement. However, the tax benefit is of decisive importance when it is a question of giving the incentive for accumulating income for the years of retirement at the cost of a present sacrifice. As a maximum for tax exemption, $12,000 is surely far too low, even considered as an absolute sum, without reference to changing cost of living. The immediate effects of imposing such a limit would be felt by those at present under middle age, but the long-term effect would be serious for all taxpayers.

It is noted that Commissioner Grant dissents emphatically from the $12,000 limitation (Vol. 1, p. 110), pointing out that "it would mean a cutback in some of the Registered Retirement Income Plans now in existence, in both current and past service, and would fail to meet pension requirements for many in business and the professions, where creative capacity must be recognized." Commissioner Beauvais, also dissenting, states that present departmental practice allows a limit of $40,000.

This brief supports the statements of Commissioners Grant and Beauvais, and urges that, if the existing system is to be changed, to avoid overlapping of plans, then the limit of retirement income to be

[2] See the address on Deferred Income, by Professor Robert M. Clark, Dept. of Economics, University of British Columbia : Report 1967 (April) Conference, Canadian Tax Foundation, pages 278-286.

provided for by tax-free contributions should be at least $20,000 per annum.

(2) *Correction for Inflation*

A factor to be taken very seriously into account, with particular regard to the accumulation of retirement income, is the eroding effect of inflation.

If the history of the remuneration of university teachers over the past 20 years be analysed, it will be found that where, in 1948, the annual salary of a full professor in a reputable university was about $5,000 or less, the figure at the beginning of the full professor's scale today is about $16,000 — in 20 years the salary has more than trebled. Is there any reason to think that the same trebling may not occur again in the next 20 years? If not, how can this factor possibly be ignored, in so far as it results from inflation, when providing for the postretirement income of 20, 30 or 40 years hence?

The Commission states carefully and in detail its policy in regard to inflation. It has a great fear of upsetting the "automatic stabilisers that are built into the present tax — expenditure system". It prefers, therefore, to ignore the effects of inflation but urge the government periodically to "review the tax system and its transfer payment programmes to ensure that those on low, fixed incomes share in the fruits of Canada's economic growth." The trouble is that this leaves things to the decision of a government that is subject to countless pressures, with the constant need to deal with them *ad hoc*, according to the relative urgencies of the moment. Changing price levels through inflation can cause great havoc and suffering among those on fixed incomes, before the government comes to the point of changing the tax credits to relieve such suffering. The 1950s were not years of seriously growing inflation, yet retired university teachers on fixed incomes suffered quite considerably through the falling value of money. It cannot be right to deal

with the problem of inflation on such an arbitrary basis.

The fact remains that there are reliable indices to compensate for changes in the cost of living. The accountancy profession as a whole has not yet accepted the necessity for using any index to correct accounts for inflation. Nevertheless, there are many leading professional accountants who advocate such correction, on the grounds that any resulting inaccuracy would be infinitely less than the inaccuracy of doing nothing. The Accounting Research Study No. 6 of the American Institute of Certified Public Accountants, (speaking for the individual researchers, it is true, and not for the Institute itself), gives serious consideration to the automatic correction of accounts by use of indices such as the Implicit Price Deflator of the Gross National Product.

For application to the pension figure the most suitable index would be one * which takes into account the annual per capita expenditure on consumer goods and services, based on the reliable records of the Dominion Bureau of Statistics. This should be used to correct the pension fund ceiling from year to year.

The Commission accepts an annual change of from 1½% to 2% in the consumer's price index as normal in the present age. At this rate it is evident that a retired university teacher, who began receiving a fixed annuity of $5,000 per annum in 1957, (not by any means an unrealistically low figure), would today be receiving in effect little more than $4,000 in terms of 1957 dollars. Or it may be said that the income needed in 1967, to be equivalent in 1967 dollars to the $5,000 of 1957, will be $6,000. And this, it must be noted, brings a married taxpayer who is fortunate enough to have an income with the built-in compensation that has raised it from $5,000 to $6,000, in the ten year period, to the very beginning of the $4,000 to $6,000 bracket, with the tax rate increased

* *Ibid* p. 286.

from 22% to 26%. Evidently not only are inflation profits at present subject to tax but, with our progressive rates of tax, they may well be taxed at higher rates. It is of paramount importance that specific annual adjustments by index should be made, to ensure that accumulating pension funds are commensurate with the changing value of money, from year to year. This cannot be left to arbitrary intervention of the government.

CANADA'S NEEDS FOR HIGHER EDUCATION.

The Commission states its belief "that Canada should encourage a higher proportion of its citizens to improve their education." In stating that the gap between the proportion of Canadians proceeding to university and that in the United States should be closed, the Commission gives as the reason "the favourable effects of higher education on the growth of the economy and on the quality of our society" (Vol. 3, p. 230). Such statements are to be welcomed, with emphasis on the "quality" as meaning cultural and moral quality in these days of licence and turmoil. This brief welcomes the recommendation (Vol. 3, p. 231) that "Unused tax credits for post-secondary education should be carried forward to facilitate the repayment of loans when the graduate has income." The recommendation of a further annual credit of up to $300, in recognition of living costs "for a full-time student in an institute providing post-secondary education, when the student is not a dependent child", is a welcome acceptance of a situation where the normally disallowed personal living costs should not be expected to be defrayed, at least wholly, out of taxable income.

Particularly important, also, are the recommendations for retraining and upgrading courses, including the assumption that "both fees and travelling and living expenses, in excess of annual living expenses, should be deductible from income as reasonably related to its production." Such retraining and upgrading courses will be of increasing importance for the university faculty themselves, in this age of phenomenally rapid

change, and the recommended 25% tax credit would have the effect of allowing deduction at a rate near that for taxable income from $6,000 to $8,000, which seems reasonable. Finally, the recommended deductions from income, for part-time or short-term courses, are also certainly in line with educational needs and are welcomed.

OLD AGE DEDUCTION.

Commissioners Beauvais and Grant, in their minority reports, both deprecate the proposed withdrawal of the present $500 deduction from income, under sec. 26(1)(e) of the Income Tax Act, for taxpayers of 70 or more. Loss of this concession without the offsetting transfer payments which the Report indicates may be necessary, in individual cases, in the interests of equalising the tax treatment of low-income taxpayers in Group 7, (Vol. 6, p. 251), might impose unnecessary hardship. The Act should, therefore, make specific provision for the compensating transfer payment, before Sec. 26(1)(e) is repealed.

OCTOBER 24, 1967.

Committee on Income Tax,
Canadian Association of University Teachers.

D. H. Bonham,
(Queen's University, Faculty of Law)

Kenneth F. Byrd,
(McGill University, Chairman,
Department of Accountancy)
Chairman of Committee.

D. A. Dixon,
(University of Calgary,
Department of Economics)

E. C. Harris,
(Dalhousie University, Faculty of Law)

BOOK REVIEWS — NOTES DE LECTURE

REPORT OF THE COMMITTEE ON THE AGE OF MAJORITY.

Cmnd. 3342, July 1967, 207 pages, H.M. Stationery Office, London, 15 shillings.

Many were pleasantly surprised last year by the wit and lucidity of Professor Mark Ingraham's Report on *Faculty Retirement Systems in Canadian Universities* — a subject not usually known to evoke either quality. But when a government committee produces a still wittier (and maybe even more lucid) Report on the still less likely subject of the law, one is encouraged to believe that maybe the world is improving.

The Committee of eleven, under the Chairmanship of the Honourable Mr. Justice Latey, was appointed by the Lord Chancellor in July, 1965,

> to consider whether any changes are desireable in the law relating to contracts made by persons under 21 and to their power to hold and dispose of property, and in the law relating to marriage by such persons and to the power to make them wards of court.

After concluding (with two members dissenting)

> That the historical causes for 21 are not relevant to contemporary society;
>
> That most young people mature earlier than in the past;
>
> That by 18 most young people are ready for these responsibilities and rights and would greatly profit by them as would the teaching authorities, the business community, the administration of justice, and the community as a whole. . . .

they went on to recommend

> that in the field we have considered the age of full legal capacity should be lowered to 18.

In arriving at their decision they specifically rejected the old argument "If you are old enough to fight and die for your country" on the grounds that

> We can hardly imagine much enthusiasm for the idea that the age for marriage and mortgages should fluctuate according to . . . military requirements — yet that is the argument's logical conclusion.

Had the Committee confined itself narrowly to its original terms of reference its decision to recommend that young people have the power to contract, to dispose of property, and to marry without consent at 18 would still have had implications for the relationships of students to their universities. Fortunately,

> At an early stage we decided that it would be unrealistic to try to consider our own subjects in a vacuum; that we should not be able to help considering whether we should be influenced by the state of the law in these other fields.
>
> Your Lordship agreed, and authorized us to consider and to mention any such subjects as we saw fit (leaving out the age of voting, which is at present under separate consideration by the Speaker's Conference . . .).

Probably as a result of this extension we have the benefit of the Committee's specific views on the relevance of its recommendations on the age of majority to the relations between young people and those who stand *in loco parentis* to them (par 451 — 463). They conclude that

> All in all, it seems clear that even in student life, where young people are not out on their own earning their living in the world, there are plenty of areas in which the current law causes friction. Many students are convinced that they can conduct their own unions. Of the college authorities many would agree with them; some might not. But the position is made far more complicated than it need be by the *loco parentis* relationship, which is based on the assumption that those between 18 and 21 need someone to look after them. In this field, as in others, we have been convinced that they do not, or at any rate that if they do need help they are capable of asking for it like any other competent adult.

But the Committee goes on to explain that reducing the age of majority to 18 would not necessarily eliminate all colleges rules (they are not advocates of Paul Goodman's anarchist position).

> Finally we should like to make it clear that we are not envisaging a situation where all college rules and structures would magically wither away on the age of majority going down to 18. Any collective body, whether it is an ironfoundry or an old peoples' home, has to have arrangements to make sure, first, that people do what they are there to do — in this case, study; and second, that they do not make each other's lives unbearable by an unreasonable exercise of individual freedom. Colleges will go on demanding that students read books, go to lectures, write essays and stay in a fit state to do so; they will continue to require that the young people

do not enjoy themselves with trumpets and strumpets to the point where it keeps other people awake. But the confusion that springs from the *in loco parentis* situation will be removed. There will no longer be a vague conviction that a college should look after a student in every personal way, no longer a misty territory where it is clear that the Dean does not make a man cut his toenails and does make him sit his exams, but most things in between are a matter of dispute. By not being forced to try to act like parents, we hope that colleges will all the more effectively act like colleges; and that the students will the more easily respect this situation and abide by its conditions.

In arriving at its general recommendations the Committee considered the history of the age of majority in England and the current age of majority in other parts of the British Isles, in the United States and in a number of countries of Europe (in almost all the countries considered it was 21). The historical review suggested that the age of majority in England (and Northern Europe) was established at 15 in the 9th to the 11th centuries since children were then considered to be old enough to bear arms. But with the development of the mounted knight and heavy armour the age was raised to 21; significantly it remained for a long time at 15 for those engaged in husbandry. But the Committee considered that history was, in any case, largely irrelevant.

> Grotesque as it may seem that the weight of armour in the 11th century should govern the age at which a couple can get a mortgage or marry to-day, the historical background of a subject does not, of course, necessarily tell us anything about its present usefulness. . . .
>
> What history does show is that there is nothing particularly God-given about the age of 21 as such, and that things do change in the light of changing circumstances. . . .
>
> The importance of looking closely at the historical picture seems . . . that there may be doubt as to how accurately the ages of 21, 15 or 25 ever really reflected the needs and maturity of young people . . . . *If the law has never matched the needs of the young very exactly, we do not feel that we need necessarily prove that the young have changed before we recommend a change in the law.*
>
> The point is not whether the law fits young people better or worse than it once did, but whether it fits them as well as it should. Much more important than comparing today with yesterday is the straightforward task of observing the young as they actually are now.

As well as rejecting historical experience the Committee also denied the relevance of the age of majority in other countries at the present time saying

> We feel too that we may well be pioneers in this subject, since no other similar inquiry has been held; it would clearly be pointless to defer to the experience of other countries when this enquiry of ours may spark off a reappraisal in them.

(This suggestion that it is proper to do something for the first time seems even more radical than the proposal to reduce the age of majority !) Canada was not included in the list of countries where the age of majority was examined and this seems unfortunate. One wonders what they would have made of a country where six of the ten provinces have a minimum voting age of 18 or 19 but a minimum age for the consumption of alcoholic beverages of 21 (20 in one case) ! True, the Committee did indicate that, while they were not to examine the age for voting, nevertheless, they expressed the view that the minimum age for participating in the civic field need not necessarily be the same as that appropriate for making decisions about oneself. But the context indicates clearly that they would expect the voting age to be higher than they recommended for the matters they were authorized to consider — that is if it differed at all. In fact the Committee makes only a passing reference to intoxicants (presumably they didn't consider it one of the major issues) only suggesting that, as they suggested in so many other cases, when the laws are revised there should be as few different ages at which people's rights change as possible. (The present law in England permits a person of sixteen to "buy beer, porter, cider or perry for consumption at a meal in a part of a licensed premise set aside for the service of meals provided it is not a bar" and provides that "A person under 18 must not buy or consume intoxicating liquor in a bar".)

But what of the views of the two members of the Committee who submitted the minority report ? They conclude, on the basis of some surveys among young people, that there is no strong demand for a change. Further, they cite statistics showing higher divorce rates for those who marry under 21 and higher rates of indictable offences for people under about 21; although at least some of these results might be due to the unreasonable delay in granting majority. However, in any case statistical evidence on both sides is weak; both the majority and minority recommendations rest heavily on judgement. But there

are two further arguments advanced by the minority which are of special concern to academics.

They suggest that it would be unreasonable to set the age of majority at 18 and then expect society to finance the education of people beyond 18. Why this is anymore unreasonable than young people financing old people through tax-supported state pensions is not entirely clear; it is never suggested that such retirees be deprived of their rights as adults. Surely the relevant criterion should be academic performance — not respect for elders.

Their other objection is rather more serious because they are expressing a view which seems to be rather widely held but seldom publically expressed. They say

> There is, of course, one important reason for expecting maturity to be positively retarded in the years immediately ahead — the promised increase in the school leaving age.
>
> . . .
>
> It thus seems probable that in not many years from now more than half the nation's children will remain in school until they are almost 17 years old. How can one be confident that a single year's transition to full adult capacity will give them time enough to mature ?

But if the educational system is retarding the maturing of students, doesn't this suggest that there is something wrong with the system ?

The age of majority is clearly one of the most important factors that must be taken into account in establishing the appropriate relationships between students and universities and the relevant sections of Latey Report should be required reading for all those who are concerned with this subject — including politicians.

E. D. Maher,
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FREEDOM AND ORDER IN THE UNIVERSITY. Edited with an Introduction by Samuel Gorowitz; Essays by Paul Goodman, Walter P. Metzger, John R. Searle, Sanford H. Kadish, and Mortimer R. Kadish. The Press of Western Reserve University, Cleveland, Ohio, 1967, 218 pp., $3.50 (paper).

This book consists of a series of essays, along with comments and discussion by the group, originally presented at a Western Reserve University — Case Institute of Technology Program of Philosophical

Studies in November 1965 — with subsequent "minor revision and polishing" for publication. Although the first four participants all had some involvement in the Berkeley episodes of the previous year (and Sanford Kadish and John Searle were deeply involved throughout) this is not just another book about the events at Berkeley — in fact, except for Searle, the participants have very little to say about those events. Nevertheless it was the outbreaks at Berkeley which led to this symposium to reexamine the need for freedom in the universities and, in particular, the extent to which it should apply to students.

While the participants all agree that there should be substantially more academic freedom for students, as well as for faculty, their proposals range from Goodman's plea for "total freedom" to Simon Kadish's arguments for a judicious imposition of behaviour-governing rules. Searle argues for what he calls the "maximalist" or "general" theory, as opposed to the "minimalist" (or, in his view, the AAUP) theory of academic freedom. He says

> While the special theory seeks to justify academic freedoms in terms of the purpose of the university, the general theory takes freedom for granted and insists that any restrictions on the freedom of members of the campus community be justified in terms of the functions of the university.

Probably Goodman's plea for "total freedom" (or, as he says, the anarchist's position) will attract little support in the immediate future. But Goodman does touch on two points where there might well be substantial support for his position. He argues for a much greater degree of freedom for students to move from one university to another for their education; a return to a mediaeval practice. Goodman is also concerned about the relationships between professional licensing bodies and universities. He believes that too close a relationship may lead both to requiring degrees unnecessarily for professional licensing (his examples are architecture and social work) and to distortion of the educational process by the requirements of the licensing bodies.

There is considerable, but rather inconclusive, discussion about whether the function of the university is teaching and research or whether it should be effecting social change. Presumably the latter follows from the former so it looks more like a case of how far and how fast rather than either — or.

The participants devote considerable attention to the failure of the AAUP (until 1965) to formally recognize the need for academic

freedom for students. Metzger points out that, in this respect, the Courts seem to have been ahead of the AAUP in at least a few cases; but the cases have been very few and their impact uncertain. Metzger suggests that the lack of concern by faculty members for the academic freedom of students reflected their need to fight for their own academic freedom and thus their unwillingness to associate themselves with another group — students — whose case was likely to prove even more difficult to sell to Boards and to the public. No doubt the growing militancy of the students has now made them more welcome allies.

The problem of selling academic freedom — particularly in the broad sense in which all of them would interpret it — to the community at large, especially in the case of the State universities, is recognized by the participants. This leads them to a discussion of the doctrine of *in loco parentis* — one of the bases on which universities assert their right to regulate the behaviour of their students. (Metzger suggests that university powers extend beyond those arising out of this doctrine since the university can expel a student. But this power would seem to arise from the contractual relationship and be unrelated to the *in loco parentis* doctrine.)

Metzger states that, although Americans generally were influenced by German universities during the period of American university development from 1870 to 1914, they did not carry over the German concept of academic freedom for students as well as for faculty. One reason for this difference he suggests is that American universities were essentially undergraduate colleges with small graduate faculties added on. Since German students typically entered university later than Americans, their students were older and more comparable to upperclass undergraduate and graduate students. Also, German students typically had to find their own accommodation while at American universities the great growth of university residences involved university administrations in the business of being landlords and this presumably led to greater emphasis on the *in loco parentis* doctrine. Another factor not mentioned by the participants is that in Europe young people are usually legally free to consume alcoholic beverages at a younger age than is typical in North America and thus one reason for exercising control over students is removed.

One weakness in the symposium is the apparent failure to recognize the significance of the whole matter of the "age of majority" as it relates to academic fredom for students. Most of our universities are

predominantly undergraduate institutions and most undergraduates are under 21 — the legal age of majority for most purposes in North America. So long as this situation exists, universities will be under strong pressure from society to act *in loco parentis*. Thus a precondition of extensive freedom for students would appear to be a reduction of the age of majority a subject dealt with in the *Report* reviewed below.

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Send complete *curriculum vitæ*, small photograph, and names of three or four references or request for further information to Chairman, Division of Natural Sciences, University of Saskatchewan, Regina Campus, Regina, Saskatchewan, Canada.

University of Western Ontario. Assistant Professor of *History of Education* required to lecture in Canadian educational history or related field. Duties to commence, September 1, 1968. Favourable teaching load, research facilities, remuneration, and a close working arrangement with history department in faculty of arts. Candidate should have a background in history, and be familiar with historical and contemporary developments in Canadian education. Enquiries to: Robert M. Stamp, Chairman, History of Education Appointments Committee, Althouse College of Education, University of Western Ontario, London, Canada.

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Box 20. English, Humanities, Administration. Male. Ph.D., 45, family, U.S.A. 20 years' state universities. Experience establishing, teaching humanities programs. Areas: interdisciplinary arts, humanities; drama (classical to contemporary); American studies, literature. Currently chairman 75 member department state university with established graduate program. Excellent references. Seeks teaching, teaching/administrative post. Chairmanship, deanship considered. Serious attention to academic environment, to community, and to sufficient time to devote to work in progress.

Box 24. Fine Art & Aesthetics: B.A. Fine Art (Sask.) with a minor in philosophy of art; M.Ed. Art Education (Penn State Univ.) Ed.D. in College Teaching of Art, (Col. Univ. degree pending), Major: painting. Experience in teaching art at elementary, secondary, art school and college levels. Interested in teaching studio drawing, painting, design, and/or lecturing in contemporary art, philosophy of art, aesthetics and psychology of art.

Box 25. Political Science. Male 28, married, two children. Seeking position emphasizing both quality teaching and research in International Relations/Politics of Developing Areas. B.A. (Cape Town), B.A.Hons. (Witwatersrand), Ph.D. (Graduate School of International Studies, Denver, 1968). Five years' teaching experience at University of South Africa, University of Denver, University of California at Santa Barbara. Currently involved in research for publication.

Box 26. Modern History and *Political Science.* Honor's graduate, Dublin University (Trinity Coll.), '64, seeks university post in the field of

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** For fuller information write to the relevant Box No. at the C.A.U.T. National Office, Room 603, 77 Metcalfe St., Ottawa 4, Ontario.

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Box 27. *Spanish.* Assistant Professor. Superior Baccaloriat in Art, pre-University in Art, National Teacher of Spain. Equivalent Ph.D. Licensed in Art and Philosophy, in Salamanca University. Twelve years' experience in Spanish Literature and Grammar. Single, available January or by arrangement.

Box 28. *Political Science.* Ph.D., approaching 40. Main fields: international organization, international politics and international law; comparative government and comparative public administration; Soviet and East European government and politics. Numerous publications. Extensive research in Europe, Britain and America. Long teaching experience. Interested in senior academic position from July, 1968, preferably university able to offer adequate research facilities.

Box 29. *Political Science:* Male, age 26, seeks position as instructor or assistant professor to offer core courses in international relations and organization, or development and comparative politics. Theory and method emphasized. Special interest Chinese foreign policy. BA Honors (Boston College); MA (University of Hawaii). Languages: French, Italian, and Chinese. Available September, 1968.

Box 30. *Theoretical Physics.* Ph.D. from major U.S. University. Research and teaching experience with good publication record. Presently assistant professor small Canadian University. Desires university with a graduate school in Physics. Current research area of General Relativity and Quantum Mechanics in exploratory stage. Male 31.

Box 31. *English* or *Drama.* British university graduate student, expecting Ph.D. 1968, specialising Modern Drama, seeks teaching position in Canadian university next fall. Good Honours and M.A. degrees from India, four years' teaching experience at Delhi University. Keen interest in theatre.

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Box 33. *History of Journalism and Printing.* News gathering, Technique of Advertising. Male. Bilingual. Ph.D. in Journalism. University of Cairo. 17 years' university teaching and guiding M.A. & Ph.D. thesis in Mass Communications. Works: *History of Printing in the Arab East* and *The Press.* Khalil Sabat.

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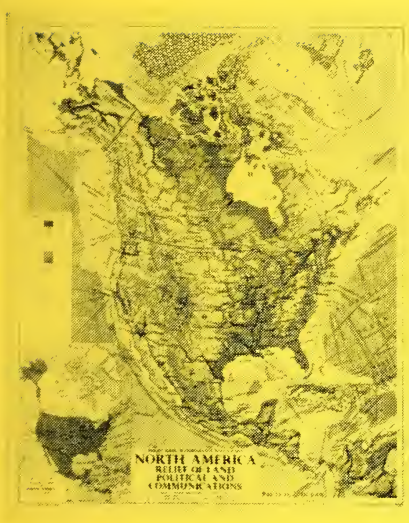

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